

1 HB426
2 105592-4
3 By Representatives Guin, Sherer, Thigpen, Baker (A), Harper,
4 Spicer, Lindsey, Martin, Hurst, Ison, Sanderford, Oden,
5 Gordon, Williams, Gaston, Fields, Keahey, Newton (C) and
6 Johnson
7 RFD: Judiciary
8 First Read: 05-FEB-09

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8 SYNOPSIS: Existing law provides for community
9 notification of released convicted sex offenders.
10 This bill would extensively amend existing law as
11 generally stated herein, including changes to
12 conform to federal law.

13 Under existing law, certain terms are
14 defined for purposes of community punishments and
15 corrections and community notification of released
16 convicted sex offenders.

17 This bill would further define the terms
18 "authority," "adult criminal sex offender,"
19 "community notification flyer," "criminal sex
20 offense," "employment," "excluded felony
21 offenders," "juvenile criminal sex offender,"
22 "responsible agency," "sexually violent predator,"
23 and would define the terms "authority," "local law
24 enforcement official," "lodging," "required online
25 identifier," "sex offender," and "temporary lodging
26 information."

1 Under existing law, certain procedures,
2 requirements, and criteria are established
3 regarding: Adult criminal offenders prior to
4 release, the transfer and establishment of legal
5 residence, the verification of legal residence,
6 notice of intent to change place of employment,
7 community notification, registration by a
8 nonresident worker or student, and notice of
9 employment or enrollment at a school or institution
10 of higher education. Current law also provides for
11 adjudging an offender to be a sexually violent
12 predator and identification documentation.

13 This bill would specify application to sex
14 offenders who were not considered an adult sex
15 offender prior to the effective date of this bill
16 as enacted; increase from 45 days to 180 days prior
17 to the release of an adult criminal sex offender
18 registration by the offender of certain specified
19 information, for the verification of such
20 information, and upon failure to comply, in
21 addition to current penalties for the offender to
22 be arrested and transported to the sheriff of the
23 county of last conviction for prosecution or, when
24 applicable, loss of accumulated correctional
25 incentive time and denial of early release; would
26 further provide for verification of residence, and
27 various time periods therefor, to the local law

1 enforcement official to be forwarded to the
2 Department of Public Safety, the Attorney General,
3 and sheriff of county of residence and penalties
4 for failure to comply; would require in person
5 change of residential address or employment with
6 new information forwarded to the Department of
7 Public Safety, the Alabama Criminal Justice
8 Information Center, the Attorney General, and local
9 law enforcement officials, and provide penalties
10 for failure to comply; would require certain
11 offenders of certain sex offenses to verify within
12 a specified time their place of residence and
13 penalties for failure to comply; would provide for
14 treatment of notice from federal, military, tribal,
15 or foreign country jurisdiction; would require each
16 criminal sex offender to sign a form regarding duty
17 to register; would require community notification
18 to certain hotels and motels; would provide through
19 the Department of Public Safety Internet registry
20 for each adult sex offender; would require
21 supplying information to certain federal entities;
22 would require maintaining information in a
23 digitized format; would compile a list of persons
24 who failed to register; would require registration
25 by nonresident workers and students and penalties
26 for failure to comply; would require in person
27 registration of employment and enrollment at school

1 or institution of higher education and changes with
2 the local law enforcement official and penalties
3 for failure to comply; would require registration
4 by an offender considered a sexually violent
5 predator and provide penalties for failure to
6 comply; would require the reporting of required
7 online identifier and the use of such information;
8 would further provide that an adult criminal sex
9 offender is prohibited from residing within a
10 certain distance of a Boys and Girls Club or YMCA;
11 would prohibit the offender from coming within 300
12 feet of his or her former victim; would prohibit
13 entering school property with certain exceptions;
14 would prohibit supervision of a child under the age
15 of 12 in a home where an offender is a resident,
16 and would provide penalties for failure to comply;
17 would prohibit a juvenile criminal sex offender
18 from residing in the residence where the victim
19 resides or on the same lot or parcel; and would
20 require an adult criminal sex offender to obtain a
21 driver's license or identification card with a
22 specific designation to enable law enforcement
23 officers to identify the licensee as an offender.

24 Under existing law, a juvenile criminal sex
25 offender is subject to risk assessment and
26 notification, certain requirements prior to
27 release, verification of residence, when treated as

1 an adult, escape procedures, exemptions, name
2 change, victim assistance, and disclosure of
3 information.

4 This bill would require any juvenile
5 criminal sex offender who is adjudicated delinquent
6 to register as an adult criminal sex offender
7 within 30 days of release and such offender is not
8 entitled to a risk assessment; would require notice
9 within three business days by the parent, guardian,
10 or custodian concerning residing outside of state
11 to the sheriff of the county; would require upon
12 the age of 18 for the juvenile offender to register
13 as an adult criminal sex offender; would require
14 the verification form be submitted to the local law
15 enforcement official where the juvenile criminal
16 sex offender resides; would prohibit community
17 notification if not ordered by the sentencing
18 court; would further provide when a juvenile
19 criminal sex offender is treated as an adult
20 criminal sex offender; would prohibit a juvenile
21 criminal sex offender from residency restrictions;
22 would provide for the offender to be subject to
23 registration for 10 years from the last date of
24 release, unless subject to registration as an
25 adult; would prohibit expungement; and would
26 provide a penalty for failure of an adult criminal

1 sex offender to notify of a name change within
2 three business days.

3 Under existing law, the Commissioner of
4 Corrections is not prohibited from granting
5 temporary leave from prison or Christmas furloughs
6 to a prisoner convicted of a criminal sex offense.

7 This bill would make such restrictions.

8 Existing law does not prohibit the Board of
9 Pardons and Paroles from approving or ordering a
10 parole or pardon of a person convicted of certain
11 criminal sex offenses.

12 This bill would make such provision.

13 This bill would add to the Code of Alabama
14 1975, Section 15-20-21.1, relating to application
15 to current sex offenders; Section 15-20-24.1,
16 relating to venue; Section 15-20-24.2, relating to
17 absence of a sex offender from his or her principal
18 place of residence and would provide penalties for
19 failure to comply; Section 15-20-25.4, relating to
20 verification of required online identifier and the
21 dissemination of such information; website or
22 Internet communication service residence; vehicle
23 and temporary lodging information, telephone
24 number, and cellular phones; an initial
25 verification fee of \$250; a \$35 fee each time there
26 is a change in residence or registration as a
27 nonresident worker or student; Section 15-20-26.3,

1 relating to terms and conditions of probation; and
2 Section 15-20-39 relating to failure to register in
3 person.

4 This bill would create the crime of indecent
5 exposure toward a child and would provide for
6 penalties.

7 This bill would create the crime of video
8 voyeurism and would provide for penalties.

9 This bill would create the crime of aiding
10 and abetting a convicted sex offender and would
11 provide for penalties.

12 Also, this bill would make nontechnical
13 changes.

14 Amendment 621 of the Constitution of Alabama
15 of 1901, now appearing as Section 111.05 of the
16 Official Recompilation of the Constitution of
17 Alabama of 1901, as amended, prohibits a general
18 law whose purpose or effect would be to require a
19 new or increased expenditure of local funds from
20 becoming effective with regard to a local
21 governmental entity without enactment by a 2/3 vote
22 unless: it comes within one of a number of
23 specified exceptions; it is approved by the
24 affected entity; or the Legislature appropriates
25 funds, or provides a local source of revenue, to
26 the entity for the purpose.

1 The purpose or effect of this bill would be
2 to require a new or increased expenditure of local
3 funds within the meaning of the amendment. However,
4 the bill does not require approval of a local
5 governmental entity or enactment by a 2/3 vote to
6 become effective because it comes within one of the
7 specified exceptions contained in the amendment.

8
9 A BILL
10 TO BE ENTITLED
11 AN ACT

12
13 To amend Sections 15-18-171, 15-20-20.1, 15-20-21,
14 15-20-22, 15-20-23, 15-20-23.1, 15-20-24, 15-20-25,
15 15-20-25.1, 15-20-25.2, 15-20-25.3, 15-20-26, 15-20-26.2,
16 15-20-28, 15-20-29, 15-20-30, 15-20-31, 15-20-32, 15-20-33,
17 15-20-34, 15-20-35, 15-20-36, 15-22-28, and 15-22-36 of the
18 Code of Alabama 1975, relating to community punishment and
19 corrections and community notification of released convicted
20 sex offenders; to provide further for definitions; to provide
21 further for adult criminal sex offender's requirements prior
22 to release, transfer, and establishment of legal residence,
23 notice of intent to change place of employment, verification
24 of residence; community notification procedures, registration
25 by nonresident workers and students, notice of employment and
26 enrollment at school or institution of higher education,
27 locations where offender cannot reside, and identity

1 documentation; to provide further for juvenile criminal sex
2 offender risk assessment and notification, prior release
3 requirements, residence verification, when treated as an
4 adult, exemptions, and disclosure information; to provide
5 penalties; to add Sections 15-20-21.1, 15-20-24.1, 15-20-24.2,
6 15-20-25.4, 15-20-26.3, and 15-20-39 to the Code of Alabama
7 1975, to provide for application to current sex offenders; to
8 provide for venue; when absent from residence for more than 72
9 hours; to provide verification of the most current release of
10 an adult criminal sex offender; to provide for the terms and
11 conditions of probation of an adult sex offender; to provide
12 for failure to register in person; and to provide penalties;
13 to establish the crime of indecent exposure toward a child and
14 to provide penalties; to create the crime of aiding and
15 abetting a convicted sex offender and to provide penalties; to
16 create the crime of video voyeurism and to provide penalties;
17 and in connection therewith would have as its purpose or
18 effect the requirement of a new or increased expenditure of
19 local funds within the meaning of Amendment 621 of the
20 Constitution of Alabama of 1901, now appearing as Section
21 111.05 of the Official Recompilation of the Constitution of
22 Alabama of 1901, as amended.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. Sections 15-18-171, 15-20-20.1, 15-20-21,
25 15-20-22, 15-20-23, 15-20-23.1, 15-20-24, 15-20-25,
26 15-20-25.1, 15-20-25.2, 15-20-25.3, 15-20-26, 15-20-26.2,
27 15-20-28, 15-20-29, 15-20-30, 15-20-31, 15-20-32, 15-20-33,

1 15-20-34, 15-20-35, 15-20-36, 15-22-28, and 15-22-36, Code of
2 Alabama 1975, are amended to read as follows:

3 "§15-18-171.

4 "As used in this article, the following terms shall
5 have the following meanings, respectively, unless the context
6 otherwise requires:

7 "(1) APPLICATION PROCESS AND PROCEDURES. The
8 criteria and guidelines developed by the Department of
9 Corrections for the establishment of community punishment and
10 corrections programs, the granting of funds for programs
11 authorized herein, and the monitoring, evaluation, and review
12 of programs funded herein.

13 "(2) AUTHORITY. The Community Punishment and
14 Corrections Authority defined in subdivision (6).

15 "~~(2)~~ (3) BOARD. The Board of Directors of the
16 ~~authority~~ Community Punishment and Corrections Authority.

17 "~~(3)~~ (4) COMMISSIONER. The Commissioner of the
18 Department of Corrections.

19 "~~(4)~~ (5) COMMUNITY. The county or counties comprising
20 one or more judicial circuits.

21 "~~(5)~~ (6) COMMUNITY PUNISHMENT AND CORRECTIONS
22 AUTHORITY. A public corporation organized pursuant to the
23 provisions of this article, also known as the "authority" as
24 used in this article.

25 "~~(6)~~ (7) COMMUNITY PUNISHMENT AND CORRECTIONS
26 PROGRAM. Any program designed as an alternative to
27 incarceration and maintained by a county commission or an

1 authority or nonprofit entity for the purpose of punishing and
2 for correcting a person convicted of a felony or misdemeanor
3 or adjudicated a youthful offender and which may be imposed as
4 part of a sanction, including, but not limited to confinement,
5 work release, day reporting, home detention, restitution
6 programs, community service, education and intervention
7 programs, and substance abuse programs.

8 "~~(7)~~(8) COMMUNITY PUNISHMENT AND CORRECTIONS PLAN. A
9 document prepared by the county commission or an authority, or
10 nonprofit entity, and submitted to the Department of
11 Corrections in accordance with the requirements set forth in
12 the application process and procedure, which identifies
13 proposed community-based programs to be implemented within the
14 county in accordance with the terms of this article and
15 justifies the funding of such programs with regard to local
16 need and community support.

17 "~~(8)~~(9) COUNTY COMMISSION CHAIRPERSON. The chair of
18 the county commission or his or her representative.

19 "~~(9)~~(10) COUNTY INMATE. A person convicted of a
20 misdemeanor.

21 "~~(10)~~(11) COURT. The trial judge exercising
22 sentencing jurisdiction over an eligible offender under this
23 article and includes any successor of the trial judge.

24 "~~(11)~~(12) DEPARTMENT. The Department of Corrections.

25 "~~(12)~~(13) DIVISION. The Community Corrections
26 Division within the department that is the state
27 administrative agency responsible for administering this

1 article and assisting in establishing and maintaining
2 community based punishment programs.

3 "~~(13)~~ (14) ELIGIBLE. A person who has committed an
4 offense not excluded by subdivision ~~(14)~~ (15) and who meets the
5 criteria of Section 15-18-175.

6 "~~(14)~~ (15) EXCLUDED FELONY OFFENDERS. One who is
7 convicted of any of the following felony offenses: ~~murder~~
8 Murder, kidnapping in the first degree, rape in the first
9 degree, sodomy in the first degree, arson in the first degree,
10 selling or trafficking in controlled substances, robbery in
11 the first degree, sexual abuse in the first degree, forcible
12 sex crimes, lewd and lascivious acts upon a child, ~~or~~ assault
13 in the first degree if the assault leaves the victim
14 permanently disfigured or disabled, or any criminal sex
15 offense as defined in Section 15-20-21.

16 "~~(15)~~ (16) GOVERNING BODY. With respect to a county,
17 its county commission or other like governing body exercising
18 the legislative functions of a county.

19 "~~(16)~~ (17) INCORPORATORS. The persons forming a
20 public corporation pursuant to this article.

21 "~~(17)~~ (18) NONPROFIT ENTITY. Any not-for-profit
22 organization, agency, or other entity other than a community
23 punishment ~~and corrections~~ authority that provides treatment,
24 guidance, training, or other rehabilitation services to
25 individuals, families, or groups in such areas as health,
26 education, vocational training, special education, social

1 services, psychological counseling, and alcohol and drug
2 treatment.

3 "~~(18)~~ (19) PLAN. The community punishment and
4 corrections plan defined in subdivision ~~(7)~~ (8).

5 "~~(19)~~ (20) RECIPIENT. Any entity receiving directly
6 or indirectly any financial grant or contractual remuneration
7 under this article.

8 "~~(20)~~ (21) RENOVATION. The repair, remodeling,
9 alteration, or expansion of existing buildings or structures
10 to make them habitable or suitable for community punishment
11 and corrections program operations, and includes the
12 acquisition and installation of necessary equipment.

13 "~~(21)~~ (22) RESTITUTION. Payment to the victim who has
14 suffered financial losses as a result of a crime. Restitution
15 shall include, but not be limited to, payment in cash or in
16 kind for the value of stolen or damaged property; for medical
17 expenses due to physical, emotional, or psychological trauma;
18 wages lost as a result of time absent from work; and value of
19 property lost or transferred through theft or exercise of
20 control by deception or fraud.

21 "~~(22)~~ (23) STATE INMATE. A person convicted of a
22 felony.

23 "~~(23)~~ (24) USER FEES. Fees assessed against an
24 offender under a community punishment and corrections program
25 to help defray the costs of such programs.

26 "~~(24)~~ (25) VICTIM SERVICE OFFICER. A person employed
27 to directly assist crime victims and their families with court

1 attendance, restitution, compensation, property return, victim
2 impact statements, and other needs expressed.

3 "~~(25)~~ (26) YOUTHFUL OFFENDER. A person adjudicated as
4 a youthful offender.

5 "§15-20-20.1.

6 "The Legislature finds that the danger of recidivism
7 posed by ~~criminal~~ sex offenders and that the protection of the
8 public from these offenders is a paramount concern or interest
9 to government. The Legislature further finds that law
10 enforcement agencies' efforts to protect their communities,
11 conduct investigations, and quickly apprehend ~~criminal~~ sex
12 offenders are impaired by the lack of information about
13 ~~criminal~~ sex offenders who live within their jurisdiction and
14 that the lack of information shared with the public may result
15 in the failure of the criminal justice system to identify,
16 investigate, apprehend, and prosecute ~~criminal~~ sex offenders.

17 "The system of registering ~~criminal~~ sex offenders is
18 a proper exercise of the state's police power regulating
19 present and ongoing conduct. Comprehensive registration and
20 periodic address verification will provide law enforcement
21 with additional information critical to preventing sexual
22 victimization and to resolving incidents involving sexual
23 abuse and exploitation promptly. It will allow them to alert
24 the public when necessary for the continued protection of the
25 community.

26 "Persons found to have committed a criminal sex
27 offense have a reduced expectation of privacy because of the

1 public's interest in safety and in the effective operation of
2 government. In balancing offender's due process and other
3 rights, and the interests of public security, the Legislature
4 finds that releasing information about ~~criminal~~ sex offenders
5 to law enforcement agencies and, providing access to or
6 releasing such information about ~~criminal~~ sex offenders to the
7 general public, will further the primary government interest
8 of protecting vulnerable populations and in some instances the
9 public, from potential harm. The Legislature further finds
10 that residency and employment restrictions for ~~criminal~~ sex
11 offenders provide additional protections to vulnerable
12 segments of the public such as schools and child care
13 facilities.

14 "Juvenile criminal sex offenders, like their adult
15 counterparts, pose a danger to the public. Research has shown,
16 however, that there are significant differences between adult
17 and juvenile criminal sexual offenders. Juveniles are much
18 more likely to respond favorably to sexual offender treatment.
19 Juvenile offenders have a shorter history of committing sexual
20 offenses. They are less likely to have deviant sexual arousal
21 patterns and are not as practiced in avoiding responsibility
22 for their abusive behavior. Juveniles are dependent upon
23 adults for food and shelter, as well as the emotional and
24 practical support vital to treatment efforts. Earlier
25 intervention increases the opportunity for success in teaching
26 juveniles how to reduce their risk of sexually re-offending.
27 The Legislature finds that juvenile criminal sex offenders

1 should be subject to the Community Notification Act, but that
2 certain precautions should be taken to target the juveniles
3 that pose the more serious threats to the public.

4 "Therefore, the state policy is to assist local law
5 enforcement agencies' efforts to protect their communities by
6 requiring ~~criminal~~ sex offenders to register, record their
7 address of residence, to be photographed, fingerprinted, to
8 authorize the release of necessary and relevant information
9 about ~~criminal~~ sex offenders to the public, to mandate
10 residency and employment restrictions upon ~~criminal~~ sex
11 offenders, and to provide certain discretion to judges for
12 application of these requirements as provided in this article.

13 "The Legislature declares that its intent in
14 imposing certain reporting and monitoring requirements on
15 ~~criminal~~ sex offenders and requiring community notification of
16 the residence and workplace of ~~criminal~~ sex offenders is not
17 to punish sex offenders, but to protect the public, especially
18 children, from convicted ~~criminal~~ sex offenders.

19 "§15-20-21.

20 "For purposes of this article, the following words
21 shall have the following meanings:

22 "(1) ADULT CRIMINAL SEX OFFENDER. A person convicted
23 of a criminal sex offense, including a person who has pleaded
24 nolo contendere to a criminal sex offense, regardless of
25 whether adjudication was withheld. Except as otherwise
26 specifically provided in this article, this article applies

1 regardless of whether a conviction or adjudication occurred
2 before, on, or after the effective date of this act.

3 "(2) CHILD CARE FACILITY. A licensed daycare center,
4 a licensed child care facility, or any other child care
5 service that is exempt from licensing pursuant to Section
6 38-7-3.

7 "(3) COMMUNITY NOTIFICATION FLYER. This notification
8 shall include the following information on the adult criminal
9 sex offender:

10 "a. Name, ~~actual living address,~~ including any
11 aliases.

12 "~~sex,~~ b. Sex.

13 "~~date~~ c. Date of birth,

14 "d. Address of the adult criminal sex offender's
15 residence, and if the adult criminal sex offender does not
16 have a residence address, other information about where the
17 adult criminal sex offender has his or her home or habitually
18 lives, including, but not limited to, information about a
19 certain part of the city that is the adult criminal sex
20 offender's habitual locale, where the adult criminal sex
21 offender stations himself or herself during the day or sleeps
22 at night, shelters among which the adult criminal sex offender
23 circulates, and/or bridges.

24 "e. ~~complete~~ Complete physical description,
25 including distinguishing features such as scars, ~~birth marks~~
26 birthmarks, or any identifying physical characteristics, ~~and~~
27 a.

1 "f. A current photograph.

2 ~~"g. This notification shall also include a A~~
3 statement of the criminal sex offense for which he or she has
4 been convicted, ~~including the.~~

5 "h. The age and gender of the victim, the.

6 "i. The geographic area where the offense occurred,
7 ~~and the.~~

8 "j. The date upon which the adult criminal sex
9 offender will be released. ~~This notification shall also~~
10 ~~include a~~

11 "k. A statement that the same information listed in
12 paragraphs a. to j., inclusive, is on file at the sheriff's
13 office and police headquarters, if a police department has
14 jurisdiction over the adult criminal sex offender's residence,
15 and that the information will be available to the general
16 public for inspection and identification purposes during
17 regular business hours.

18 "(4) CRIMINAL SEX OFFENSE. Any of the following
19 offenses:

20 "a. Rape in the first or second degree, as
21 proscribed by Section 13A-6-61 or 13A-6-62; provided that a
22 sentencing court may exempt from this article a juvenile or
23 youthful offender criminal sex offender for a criminal sex
24 offense as defined in Section 13A-6-62(a)(1).

25 "b. Sodomy in the first or second degree, as
26 proscribed by Section 13A-6-63 or 13A-6-64.

1 "c. Sexual misconduct, as proscribed by Section
2 13A-6-65.

3 "~~c.~~d. Sexual torture, as proscribed by Section
4 13A-6-65.1.

5 "~~d.~~e. Sexual abuse in the first or second degree as
6 proscribed by Section 13A-6-66 or 13A-6-67.

7 "~~e.~~f. Enticing a child to enter a vehicle, room,
8 house, office, or other place for immoral purposes, as
9 proscribed by Section 13A-6-69.

10 "~~f.~~g. Promoting prostitution in the first or second
11 degree, as proscribed by Section 13A-12-111 or 13A-12-112.

12 "~~g.~~h. Violation of the Alabama Child Pornography
13 Act, as proscribed by Section 13A-12-191, 13A-12-192,
14 13A-12-196, or 13A-12-197.

15 "~~h.~~i. Kidnapping of a minor, except by a parent, in
16 the first or second degree, as proscribed by Section 13A-6-43
17 or 13A-6-44.

18 "~~i.~~j. Incest, as proscribed by Section 13A-13-3,
19 when the offender is an adult and the victim is a minor.

20 "~~j.~~k. Soliciting a child by computer for the
21 purposes of committing a sexual act and transmitting obscene
22 material to a child by computer, as proscribed by Sections
23 13A-6-110 and 13A-6-111.

24 "l. Indecent exposure toward a child, as proscribed
25 by Section 3.

26 "m. Video voyeurism, as proscribed by Section 4.

1 "n. Any violation of 18 U.S.C. §§ 1591, 2241, 2242,
2 2243, 2244, 2245, 2251, 2251A, 2252, 2252A, 2252B, 2252C,
3 2260, 2421, 2422, 2423, 2424, or 2425; a military offense
4 specified by the Secretary of Defense of the United States
5 under Section 115(a)(8)(C)(i) of Public Law 105-119.

6 ~~"k.o.~~ Any solicitation, attempt, or conspiracy to
7 commit any of the offenses listed in paragraphs a. to ~~j.n.~~,
8 inclusive, and g.

9 ~~"l.p.~~ Any crime committed in any state, including
10 Alabama, or a federal jurisdiction, military jurisdiction or
11 jurisdiction governed by the Uniform Code of Military Justice,
12 ~~Indian~~ tribal jurisdiction recognized by the United States or
13 the State of Alabama, or a foreign country jurisdiction which,
14 if it had been committed in this state under the current
15 provisions of law, would constitute an offense listed in
16 paragraphs a. to ~~k. o.~~, inclusive. A foreign country
17 conviction is not a criminal sex offense for purposes of this
18 act if it was not obtained with sufficient safeguards for
19 fundamental fairness and due process for the accused as
20 established by the United States Department of State.

21 ~~"m.g.~~ The foregoing notwithstanding, any crime
22 committed in any jurisdiction which, irrespective of the
23 specific description ~~or statutory elements thereof~~, is in any
24 way characterized or known as rape, sodomy, sexual assault,
25 sexual battery, sexual abuse, sexual torture, solicitation of
26 a child, enticing or luring a child, child pornography, lewd
27 and lascivious conduct, taking indecent liberties with a

1 child, video voyeurism, or molestation of a child. Guidance
2 may be provided by the statutory elements thereof.

3 "r. Notwithstanding any other provision of law, any
4 offender determined in any other state or jurisdiction to be a
5 sex offender shall be considered a sex offender in this state.

6 "(5) CRIMINAL SEX OFFENSE INVOLVING A CHILD. A
7 conviction for any criminal sex offense in which the victim
8 was a child under the age of 12 ~~and~~ or any offense involving
9 child pornography.

10 "(6) EMPLOYMENT. Includes employment that is
11 full-time or part-time for any period, whether financially
12 compensated, volunteered, or for the purpose of government or
13 educational benefit, self-employment, or employment as an
14 independent contractor or day laborer.

15 "(7) JUVENILE CRIMINAL SEX OFFENDER. An individual
16 adjudicated delinquent of a criminal sex offense. Juvenile
17 criminal sex offenders who were age 14 and older at the time
18 the offense was committed and who, after the effective date of
19 this act, have been found guilty of any of the following
20 offenses or any solicitation, attempt, or conspiracy to commit
21 any of the following offenses are treated as adult criminal
22 sex offenders for the purposes of this act:

23 "a. Rape in the first degree.

24 "b. Sexual abuse in the first degree.

25 "c. Sexual torture.

26 "d. Sodomy in the first degree.

1 "e. Kidnapping of a minor, except by a parent, in
2 the first or second degree, as proscribed by Section 13A-6-43
3 or 13A-6-44.

4 "f. Rape in the second degree as proscribed by
5 subdivision (2) of subsection (a) of Section 13A-6-62.

6 "g. Sodomy in the second degree as proscribed by
7 subdivision (2) of subsection (a) of Section 13A-6-64.

8 "h. 18 U.S.C. §2241.

9 "i. 18 U.S.C. §2242.

10 "j. 18 U.S.C. §2244.

11 "(8) LOCAL LAW ENFORCEMENT OFFICIAL.

12 "a. In Alabama, the sheriff of the county in which
13 the sex offender is registered or required to register under
14 this article, unless conduct that is registerable under this
15 article occurs within the police jurisdiction of a
16 municipality with a police department, then in such case shall
17 be the chief of police of that municipality.

18 "b. In any other state or tribal jurisdiction, the
19 appropriate local registration authority.

20 "(9) LODGING. Includes locations where an individual
21 has his or her place of abode, dwelling, quarters, or sleeping
22 accommodations.

23 "~~(8)~~(10) MENTAL ABNORMALITY. A congenital or
24 acquired condition of a person that affects the emotional or
25 volitional capacity of the person in a manner that predisposes
26 that person to the commission of criminal sex offense to a

1 degree that makes the person a menace to the health and safety
2 of other persons.

3 "~~(9)~~ (11) PREDATORY. An act directed at a stranger,
4 or a person with whom a relationship has been established, or
5 promoted for the purpose of victimization.

6 "~~(10)~~ (12) RELEASE. Release from a state, federal,
7 military, Indian, or foreign country prison or custody, county
8 jail, ~~or~~ municipal jail, or any mental health facility, or
9 release or discharge from the custody of the Department of
10 Youth Services or other juvenile detention, or placement on an
11 appeal bond, probation or parole or aftercare, or placement
12 into any facility or treatment program that allows the
13 offender to have unsupervised access to the public.

14 "(13) REQUIRED ONLINE IDENTIFIER. Any electronic
15 e-mail address information or instant message, chat, social
16 networking, or other similar Internet communication name
17 and/or identifier, or any other designations or monikers used
18 by a sex offender for routing or self-identification in
19 Internet communications or postings, whether belonging to the
20 sex offender or another person, but does not include Social
21 Security number, date of birth, or bank or financial
22 institution personal identification number.

23 "~~(11)~~ (14) RESPONSIBLE AGENCY.

24 "a. The person or government entity whose duty it is
25 to obtain information from a ~~criminal~~ sex offender before
26 release and to transmit that information to police departments
27 or sheriffs responsible for providing community notification.

1 For a ~~criminal~~ sex offender being released from state prison,
2 the responsible agency is the Department of Corrections. For a
3 ~~criminal~~ sex offender being released from a county jail, the
4 responsible agency is the sheriff of that county. For a
5 ~~criminal~~ sex offender being released from a municipal jail,
6 the responsible agency is the police department of that
7 municipality. For a ~~criminal~~ sex offender being placed on
8 probation, including conditional discharge or unconditional
9 discharge, without any sentence of incarceration, the
10 responsible agency is the sentencing court. For a ~~criminal~~ sex
11 offender being released from the Department of Youth Services,
12 the responsible agency is the Department of Youth Services.
13 For a ~~criminal~~ sex offender who is being released from a
14 jurisdiction outside this state, and who is to reside in this
15 state, the responsible agency is the Department of Public
16 Safety. For a sex offender being released from a mental health
17 facility, the responsible agency is the Department of Mental
18 Health and Mental Retardation.

19 "b. For purposes of registering federal, military,
20 Indian, or foreign country sex offenders, the responsible
21 agency is the Department of Public Safety.

22 "(12)(15) RISK ASSESSMENT. A written report on the
23 assessment of risk for sexually re-offending conducted by a
24 sexual treatment program approved by the Department of Youth
25 Services. The report shall include, but not be limited to, the
26 following regarding the juvenile criminal sex offender:
27 Criminal history, mental status, attitude, previous sexual

1 offender treatment and response to treatment, social factors,
2 conditions of release expected to minimize risk of sexual
3 re-offending, and characteristics of the criminal sex offense.

4 "~~(13)~~ (16) SCHOOL. A licensed or accredited public or
5 private school, or church school, that offers instruction in
6 grades K-12. This definition shall not include private
7 residences in which students are taught by parents or tutors.

8 "~~(14)~~ (17) SENTENCING COURT. The court of conviction
9 or the court that determines sentence as a result of
10 conviction or adjudication.

11 "(18) SEX OFFENDER. Includes any adult criminal sex
12 offender or any juvenile criminal sex offender.

13 "~~(15)~~ (19) SEXUALLY VIOLENT PREDATOR. A person who
14 has been convicted of a criminal sex offense and who suffers
15 from a mental abnormality or personality disorder that makes
16 the person likely to engage in predatory criminal sex
17 offenses; or who has been twice previously convicted of any of
18 the following offenses, or any solicitation, attempt, or
19 conspiracy to commit any of the following offenses:

20 "a. Rape in the first degree.

21 "b. Sexual abuse in the first degree.

22 "c. Sexual torture.

23 "d. Sodomy in the first degree.

24 "e. Kidnapping of a minor, except by a parent, in
25 the first or second degree, as proscribed by Section 13A-6-43
26 or 13A-6-44.

1 "f. Rape in the second degree as proscribed by
2 subdivision (2) of subsection (a) of Section 13A-6-62.

3 "g. Sodomy in the second degree as proscribed by
4 subdivision (2) of subsection (a) of Section 13A-6-64.

5 "h. 18 U.S.C. §2241.

6 "i. 18 U.S.C. §2242.

7 "j. 18 U.S.C. §2244.

8 ~~"(16)~~ (20) STUDENT. A person who is enrolled on a
9 full-time or part-time basis~~7~~ in any public or private
10 educational institution, including any schools as defined in
11 subdivision ~~(13)~~ (16).

12 "(21) TEMPORARY LODGING INFORMATION. Lodging
13 information including, but not limited to, information about
14 where the sex offender is staying when away from his or her
15 residence for five or more days, including information
16 identifying the place and period of time the sex offender is
17 staying at that location.

18 ~~"(17)~~ (22) YOUTHFUL OFFENDER CRIMINAL SEX OFFENDER.
19 An individual adjudicated a youthful offender for a criminal
20 sex offense.

21 "§15-20-22.

22 "(a) ~~Forty-five~~ One hundred eighty days prior to the
23 release of an adult criminal sex offender, or within a
24 reasonable time for sentences 180 days or less, the following
25 shall apply:

26 "(1) The responsible agency shall require the adult
27 criminal sex offender to ~~declare, in writing~~ register, by

1 means of written declaration, or by ~~electronic~~ other means
2 approved by the Director of the Department of Public Safety,
3 ~~the actual address at which he or she will reside or live upon~~
4 ~~release and the name and physical address of his or her~~
5 ~~employer, if any.~~ information including, but not limited to:

6 "a. The adult criminal sex offender's name and any
7 aliases.

8 "b. Date of birth or any purported date or dates of
9 birth.

10 "c. Social Security number or any purported Social
11 Security number or numbers.

12 "d. Phone numbers and any other designations used by
13 the adult criminal sex offender for purposes of routing or
14 self-identification in telephonic communications, both for
15 fixed location and cellular phones.

16 "e. Required online identifiers.

17 "f. Digital or electronic copies of all passport and
18 immigration documents.

19 "g. The address of the residence at which the adult
20 criminal sex offender will reside upon release, and if the
21 adult criminal sex offender does not have any expected
22 residence address, other information about where the adult
23 criminal sex offender will have his or her home or will
24 habitually live, including, but not limited to, information
25 about a certain part of the city that will be the adult
26 criminal sex offender's habitual locale, where the adult
27 criminal sex offender will station himself or herself during

1 the day or will sleep at night, shelters among which the adult
2 criminal sex offender will circulate, and/or bridges, and/or
3 any temporary lodging information if applicable.

4 "h. In addition to registering a physical address,
5 any post office box to which the adult criminal sex offender
6 will have access.

7 "i. The name and physical address of any place where
8 the adult criminal sex offender will be an employee.

9 "j. All professional licenses that authorize the
10 adult criminal sex offender to engage in an occupation or
11 carry out a trade or business.

12 "k. The name and address of any place where the
13 adult criminal sex offender is or will be a student.

14 "l. The license plate number and registration number
15 or identifier and a description of any vehicle owned or
16 operated by the adult criminal sex offender, including any
17 vehicles for work or personal use, land vehicles, aircraft, or
18 watercraft.

19 "m. The permanent or frequent location of where all
20 of the adult criminal sex offender's vehicles will be kept.

21 "(2) The responsible agency shall include in the sex
22 offender's registration information:

23 "a. A physical description of the adult criminal sex
24 offender, including information about any identifying physical
25 characteristics such as scars, birthmarks, or tattoos.

1 "b. The text of the provision of law defining the
2 criminal sex offense for which the adult criminal sex offender
3 will be registered.

4 "c. The criminal history of the adult criminal sex
5 offender including the date of all arrests and convictions,
6 the status of parole, probation, or supervised release,
7 registration status, and the existence of any outstanding
8 arrest for the adult criminal sex offender.

9 "d. A current photograph of the adult criminal sex
10 offender.

11 "e. A set of the adult criminal sex offender's
12 fingerprints and palm prints.

13 "f. A photocopy of any valid driver's license or
14 identification card issued to the adult criminal sex offender
15 by any jurisdiction.

16 "(3) In addition, the actual physical address at
17 which the adult criminal sex offender will reside, live, or
18 habitually live, as described in subdivision (1), upon release
19 shall be verified by the local law enforcement official prior
20 to release. This verification by the local law enforcement
21 official shall include determining whether the address
22 complies with the provisions of this article. At least 110
23 days before a scheduled release, or within a reasonable time
24 for sentences 180 days or less, the local law enforcement
25 official shall notify the responsible agency whether the
26 address was verified and whether the address complies with
27 this article. If the address cannot be verified or does not

1 comply with this article, the responsible agency, at least 100
2 days prior to the scheduled release, or within a reasonable
3 time for sentences 180 days or less, shall notify the adult
4 criminal sex offender that the provided address does not
5 satisfy the requirements of this article, shall inform the
6 adult criminal sex offender of the reason that the provided
7 address does not satisfy the requirements of this article, and
8 shall provide written notice to the adult criminal sex
9 offender that he or she shall be considered in violation of
10 this article and shall be subject to the penalties provided in
11 this subsection unless he or she provides a verifiable actual
12 physical address at which he or she will reside or live upon
13 release in compliance with this article at least 70 days prior
14 to his or her scheduled release, or within a reasonable time
15 for sentences 180 days or less, as provided in this
16 subsection. If the address was unable to be verified, the
17 adult criminal sex offender shall not be considered in
18 violation of this section and shall not be subject to the
19 penalties provided in this subsection unless he or she
20 subsequently fails to provide a verifiable address at least 70
21 days prior to his or her scheduled release, or within a
22 reasonable time for sentences 180 days or less, as provided in
23 this subsection. If the address was unable to be verified, the
24 responsible agency, prior to 70 days before release, or within
25 a reasonable time for sentences 180 days or less, shall
26 require the adult criminal sex offender to declare, in the
27 same manner as provided earlier in this subsection, the actual

1 physical address at which he or she will reside, live, or
2 habitually live, as described in subdivision (1), upon
3 release. This address shall be verified in the same manner as
4 provided in this subsection. Any failure to provide timely,
5 verifiable, and accurate declarations or to comply with the
6 registration provisions of this section shall constitute a
7 Class C felony. Any adult criminal sex offender in violation
8 of this section shall be ineligible for release on probation
9 ~~or parole~~. Any adult criminal sex offender in violation of
10 this section who is to be released due to the expiration of
11 his or her sentence shall be treated as follows:

12 "a. If the offender has not accumulated any
13 correctional incentive time pursuant to Section 14-9-41 or any
14 other provision of law, he or she shall be charged with
15 violating this section and, upon, At least five days prior to
16 his or her release date, the Department of Corrections shall
17 effect the arrest and transport the adult criminal sex
18 offender to the sheriff of the county of last conviction where
19 a criminal sex offense took place, which county shall be the
20 proper venue for arrest and prosecution of violation of this
21 section. shall immediately be remanded to the custody of the
22 sheriff of the county in which the violation occurred. Any
23 adult criminal sex offender charged with violating this
24 section may only be released on bond on the condition that the
25 offender is in compliance with this section before being
26 released.

1 "b. If the offender has accumulated correctional
2 incentive time pursuant to Section 14-9-41 or any other
3 provision of law, he or she shall be charged with
4 noncompliance with this section and shall not be allowed early
5 release, but instead shall forfeit all correctional incentive
6 time that has accrued pursuant to Section 14-9-41, or other
7 good time allowed by law.

8 ~~"(2)(4)~~ If the adult criminal sex offender declares
9 his or her intent to reside, ~~or be employed, or be a student~~
10 outside of the state, the responsible agency ~~shall~~, within
11 ~~five~~ three business days of the declarations required by this
12 article, ~~notify~~ shall forward the adult criminal sex
13 offender's registration information to the Director of the
14 Department of Public Safety of the state, the Attorney General
15 of the state, or the designated state law enforcement agency
16 of the state and the sheriff of the county to which the adult
17 criminal sex offender has declared his or her intent to ~~move~~
18 ~~or in which he or she intends to~~ reside, be employed, and
19 ~~shall also notify the Alabama Criminal Justice Information~~
20 ~~Center~~ or be a student. The ~~notification~~ forwarded information
21 shall include all information ~~available to the~~ registered by
22 the adult criminal sex offender with the responsible agency
23 ~~which would be necessary to identify and trace the adult~~
24 ~~criminal sex offender, including, but not limited to, the~~
25 ~~offender's declared places of residence and employment, each~~
26 ~~sex offense history or pre-sentence investigation of the sex~~
27 ~~offense, fingerprints, and a current photograph of the adult~~

1 ~~criminal sex offender~~ as required in subdivision (1) of this
2 subsection (a).

3 ~~"(3)~~ (5) If the adult criminal sex offender declares
4 his or her intent to reside, ~~live, or~~ be employed ~~within this~~
5 ~~state, or be a student within this state,~~ the responsible
6 agency ~~shall,~~ within ~~five~~ three business days of the written
7 declaration, ~~notify~~ shall forward the adult criminal sex
8 offender's registration information to the Attorney General,
9 the ~~Director of the~~ Department of Public Safety, the Alabama
10 Criminal Justice Information Center, the district attorney and
11 ~~the sheriff of any county in which~~ all local law enforcement
12 officials where the adult criminal sex offender intends to
13 reside, ~~or be employed, the chief of police of any~~
14 ~~municipality in which the adult criminal sex offender intends~~
15 ~~to reside or be employed, and the Alabama Criminal Justice~~
16 ~~Information Center. The notification shall include all~~
17 ~~information available to the responsible agency which would be~~
18 ~~necessary to identify and trace the adult criminal sex~~
19 ~~offender, including, but not limited to, the offender's~~
20 ~~declared places of residence and employment, each sex offense~~
21 ~~history or pre-sentence investigation of the sex offense,~~
22 ~~fingerprints, and a current photograph of the criminal sex~~
23 ~~offender~~ or be a student.

24 ~~"(4) The Alabama Criminal Justice Information Center~~
25 ~~shall be responsible for notifying the Federal Bureau of~~
26 ~~Investigation with sex offender information upon receiving~~
27 ~~this information from the responsible agency. Measures shall~~

1 ~~be taken to ensure this information is submitted to and~~
2 ~~included in the national database of sex offenders established~~
3 ~~pursuant to 42 U.S.C. § 14072.~~

4 "(b) If a sentencing court does not impose a
5 sentence of incarceration upon conviction of the adult
6 criminal sex offender for a criminal sex offense, the adult
7 sex offender, at the time of sentencing, shall register the
8 information required in subdivision (1) of subsection (a) with
9 the sentencing court and that information ~~notification~~ shall
10 be ~~provided~~ forwarded by the ~~responsible agency~~ sentencing
11 court in accordance with subdivisions (4) and (5) of
12 subsection (a) within 24 hours of ~~release.~~ the adult criminal
13 sex offender's registration. An adult criminal sex offender
14 who fails to comply with the required registration provisions
15 of this subsection shall be guilty of a Class C felony.

16 "(c) Upon receiving notice from any federal,
17 military, Indian, or foreign country jurisdiction that an
18 adult criminal sex offender will reside, will be employed, or
19 will be a student in this state, the Department of Public
20 Safety, within 24 hours of receiving such notice, shall
21 transmit information regarding the adult criminal sex offender
22 to all local law enforcement officials where the adult
23 criminal sex offender will reside, will be employed, or will
24 be a student. A federal, military, Indian, or foreign country
25 adult criminal sex offender who intends to reside, be
26 employed, or be a student in this state shall report in
27 person, within three business days of establishing residence,

1 establishing employment, or becoming a student after release
2 from incarceration, or if not incarcerated, within three
3 business days from sentencing, to register the information
4 required in subdivision (1) of subsection (a) with all local
5 law enforcement officials where the adult criminal sex
6 offender resides, is employed, or is a student. The local law
7 enforcement officials shall forward the adult criminal sex
8 offender's registration information to the Attorney General,
9 the Department of Public Safety, the Alabama Criminal Justice
10 Information Center, and the district attorney of any county in
11 which the adult criminal sex offender resides, is employed, or
12 is a student. Any adult criminal sex offender who fails to
13 comply with the required registration shall be guilty of a
14 Class C felony.

15 "(d) (1) The Alabama Criminal Justice Information
16 Center shall be responsible for forwarding sex offender
17 registry information and changes to sex offender registry
18 information to the Federal Bureau of Investigation within
19 three business days of receiving this information from the
20 responsible agency and ensure this information is submitted to
21 and included in the national database of sex offenders
22 established pursuant to 42 U.S.C. §16919.

23 "(2) Within three business days of receiving a sex
24 offender's registration information, the Alabama Criminal
25 Justice Information Center shall also be responsible for
26 forwarding required registration information to the following
27 entities:

1 "a. All local law enforcement officials within this
2 state where the sex offender resides, is an employee, or is a
3 student.

4 "b. All local law enforcement officials in any other
5 state or tribal jurisdiction where the sex offender resides,
6 is an employee, or is a student.

7 "c. Each state, tribal jurisdiction, or foreign
8 country from or to which a change of residence, employment, or
9 student status occurs.

10 "d. The U.S. Marshals Service if the sex offender
11 intends to reside, be employed, or be a student in a foreign
12 country.

13 "e. The National Sex Offender Registry.

14 "f. Any agency responsible for conducting
15 employment-related background checks under Section 3 of the
16 National Child Protection Act of 1993 (42 U.S.C. §5119a).

17 ~~"(c) Prior to release~~(e) At the time of
18 registration, every adult criminal sex offender convicted for
19 a criminal sex offense shall submit to the ~~probation officer~~
20 ~~or sheriff~~ responsible agency a DNA sample that will be sent
21 to the Department of Forensic Sciences for purposes of
22 analysis and entry of the resulting DNA profile into the
23 Combined DNA Index System (CODIS). An adult criminal sex
24 offender who ~~intentionally~~ fails to provide a DNA sample shall
25 be guilty of a Class C felony.

26 ~~"(d) (f)~~ If an adult criminal sex offender is unable
27 to declare a place of employment prior to release because he

1 or she is unemployed, the offender shall declare in writing or
2 by electronic means approved by the Director of the Department
3 of Public Safety the name and physical address of his or her
4 employer to the ~~sheriff of the county and chief of police of~~
5 ~~the municipality in which~~ local law enforcement official where
6 the adult criminal sex offender is employed by the end of the
7 next business day after he or she obtains employment. Any
8 failure to provide a timely and accurate written declaration
9 as required by this section is a Class C felony.

10 "(g) Upon conviction, and again prior to requiring
11 the adult criminal sex offender to provide the required
12 registration information described in subdivision (1) of
13 subsection (a), the responsible agency shall provide the adult
14 criminal sex offender with a form, promulgated by the
15 Department of Public Safety, that lists the requirements of
16 this article. All other adult criminal sex offenders,
17 including those who have already been released, shall be
18 provided with this form at the next scheduled date following
19 the effective date of this act that he or she is required to
20 present in person the completed verification form mandated by
21 Section 15-20-24. All adult criminal sex offenders shall read
22 and sign the form stating that the duty to register has been
23 explained to the adult criminal sex offender and that the
24 adult criminal sex offender understands the registration
25 requirements. If the adult criminal sex offender is unable to
26 read or write, then he or she shall be exempt from the
27 requirements of this subsection which he or she is unable to

1 meet and in such cases the adult criminal sex offender shall
2 be read the form and shall sign his or her name or otherwise
3 sign his or her signature on the form. This form shall remain
4 in the adult criminal sex offender's file that shall be kept
5 at the Department of Public Safety. Additionally, the
6 responsible agency shall ensure that the adult criminal sex
7 offender is registered.

8 "(h) Notwithstanding any other provisions of law, no
9 court shall permit an adult criminal sex offender convicted of
10 a felony criminal sex offense to be released from custody on
11 bond after conviction prior to sentencing.

12 "(i) All sex offender information that is required
13 to be collected or shared by any law enforcement agency or
14 responsible agency of this state shall be available and
15 maintained in digitized format so that it can be immediately
16 accessed by or transmitted to various entities. The registry,
17 maintained by the Department of Public Safety, shall be an
18 electronic database so that information included can be
19 electronically transmitted to or accessed by other
20 jurisdictions and entities required by law, and descriptions
21 of required types of sex offender information should be
22 construed by any entity as referring to digitizable
23 information rather than hard copies or physical objects.

24 "§15-20-23.

25 "(a) If an adult criminal sex offender intends to
26 transfer his or her residence to a different location within
27 this state, he or she shall ~~submit a notice of intent to move~~

1 present himself or herself in person to the sheriff of the
2 county and the chief of police of the municipality in which
3 local law enforcement official where he or she currently
4 resides, and to the sheriff of the county and chief of police
5 of the municipality to which he or she plans to move, if such
6 are different, to give notice of his or her intent to move at
7 least 30 days prior to moving to the new location. The notice
8 of intent to move shall be on a form developed by the
9 Department of Public Safety provided by the sheriff and shall
10 include all the information required by this article for
11 community notification. Failure to provide a timely and
12 accurate written declaration shall constitute a Class C
13 felony. Within three business days of receiving such notice,
14 the local law enforcement official shall forward the adult
15 criminal sex offender's registration information to the local
16 law enforcement official where the adult criminal sex offender
17 has declared his or her intent to move, and to the local law
18 enforcement official of any other state or tribal jurisdiction
19 where the sex offender is required to register. Within three
20 business days of moving to the new location, the adult
21 criminal sex offender shall present himself or herself in
22 person to the local law enforcement official where he or she
23 is newly residing to verify the information provided during
24 his or her in-person notice of intent to move. Within three
25 business days of the adult criminal sex offender's in-person
26 registration update, the local law enforcement official where
27 he or she is newly residing shall forward the adult criminal

1 sex offender's registration information within three business
2 days, to the Department of Public Safety, the Alabama Criminal
3 Justice Information Center, and the local law enforcement
4 official where the adult criminal sex offender ceased to
5 reside. If the adult criminal sex offender fails to present
6 himself or herself in person to the local law enforcement
7 official where he or she is newly residing, the local law
8 enforcement official where he or she is newly residing shall
9 immediately notify the local law enforcement official where
10 the adult criminal sex offender submitted his or her notice of
11 intent to move. An adult criminal sex offender who fails to
12 comply with the required registration provisions of this
13 subsection shall be guilty of a Class C felony.

14 "(b) If an adult criminal sex offender intends to
15 transfer his or her residence to a location outside of this
16 state, he or she shall present himself or herself in person to
17 the local law enforcement official where he or she currently
18 resides to give notice of his or her intent to move at least
19 30 days prior to moving to the new location. The notice of
20 intent to move shall be on a form developed by the Department
21 of Public Safety provided by the local law enforcement
22 official and shall include all the information required by
23 this article for community notification. The local law
24 enforcement official shall forward the adult criminal sex
25 offender's registration information within three business
26 days, to the Department of Public Safety of the state, the
27 Attorney General of the state, and the sheriff of the county

1 to which the adult criminal sex offender has declared his or
2 her intent to move. The forwarded information shall include
3 all information registered by the adult criminal sex offender
4 with the local law enforcement official as required in
5 subdivision (1) of subsection (a) of Section 15-20-22. An
6 adult criminal sex offender who fails to comply with the
7 required registration provisions of this subsection shall be
8 guilty of a Class C felony.

9 "(c) If an adult criminal sex offender transfers his
10 or her residence from a location outside of this state to a
11 location inside of this state, he or she shall be required to
12 register in person with the local law enforcement official
13 where he or she newly resides within three business days of
14 entering this state. The adult criminal sex offender shall
15 register all information as required in subdivision (1) of
16 subsection (a) of Section 15-20-22. The local law enforcement
17 official shall forward the adult criminal sex offender's
18 registration information to the Department of Public Safety
19 and the Alabama Criminal Justice Information Center. The
20 forwarded information shall include all information registered
21 by the adult criminal sex offender with the local law
22 enforcement official as required in subdivision (1) of
23 subsection (a) of Section 15-20-22. An adult criminal sex
24 offender who fails to comply with the required registration
25 provisions of this subsection shall be guilty of a Class C
26 felony. The Department of Public Safety shall annually notify
27 other states of the requirements of this subsection.

1 "~~(b)~~ (d) Notwithstanding other provisions of law
2 regarding establishment of residence, an adult criminal sex
3 offender shall be deemed to have established a new residence
4 in any of the following circumstances:

5 "(1) Whenever that adult criminal sex offender is
6 domiciled in the same place for three consecutive days or
7 more.

8 "(2) Whenever that adult criminal sex offender is
9 domiciled following his or her release, regardless of whether
10 that adult criminal sex offender has been domiciled at the
11 same location prior to the time of conviction.

12 "(3) Whenever an adult criminal sex offender spends
13 10 or more aggregate days at a location during a calendar
14 month.

15 "§15-20-23.1.

16 "(a) If an adult criminal sex offender intends to
17 change his or her place of employment within this state, he or
18 she shall ~~submit a~~ present himself or herself in person to the
19 local law enforcement officials where he or she is both
20 currently residing and employed, if such are different, and
21 give notice of his or her intent to do so ~~to the sheriff of~~
22 ~~the county and the chief of police of the municipality in~~
23 ~~which he or she is then employed and to the sheriff of the~~
24 ~~county and chief of police of the municipality in which he or~~
25 ~~she intends to be employed, if such are different, at least~~
26 ~~seven days prior to beginning employment at the new location.~~
27 ~~An intentional failure to provide a timely and accurate~~

1 ~~written declaration shall constitute a Class C felony. Within~~
2 ~~three business days of receiving such notice, the local law~~
3 ~~enforcement officials shall forward the adult criminal sex~~
4 ~~offender's registration information to the local law~~
5 ~~enforcement official where the adult criminal sex offender has~~
6 ~~declared his or her intent to change place of employment and~~
7 ~~to the local law enforcement official of any other state or~~
8 ~~tribal jurisdiction where the sex offender is required to~~
9 ~~register. Within three business days of beginning employment~~
10 ~~at a new location, the adult criminal sex offender shall~~
11 ~~present himself or herself, in person, to the local law~~
12 ~~enforcement official where he or she is newly employed to~~
13 ~~verify his or her registration information. Within three~~
14 ~~business days of the adult criminal sex offender's in-person~~
15 ~~registration update, the local law enforcement official shall~~
16 ~~forward the adult criminal sex offender's registration~~
17 ~~information to the Attorney General, the Department of Public~~
18 ~~Safety, the Alabama Criminal Justice Information Center, and~~
19 ~~all local law enforcement officials where the adult criminal~~
20 ~~sex offender ceased to be employed, currently resides, and~~
21 ~~currently is a student, if applicable. If the adult criminal~~
22 ~~sex offender fails to present himself or herself in person to~~
23 ~~the local law enforcement official where he or she is newly~~
24 ~~employed, the local law enforcement official where he or she~~
25 ~~is newly employed shall immediately notify the local law~~
26 ~~enforcement officials where the adult criminal sex offender~~
27 ~~submitted his or her notice of intent to change place of~~

1 employment. An adult criminal sex offender who fails to comply
2 with the required registration provisions of this subsection
3 shall be guilty of a Class C felony.

4 "(b) If an adult criminal sex offender intends to
5 change his or her place of employment to a location outside of
6 this state, he or she shall present himself or herself, in
7 person, to the local law enforcement officials where he or she
8 is both currently residing and employed to give notice of his
9 or her intent to change place of employment at least seven
10 days prior to beginning employment at the new location. Within
11 three business days of receiving the adult criminal sex
12 offender's notice of intent to change place of employment, the
13 local law enforcement official shall forward the adult
14 criminal sex offender's registration information to the
15 Department of Public Safety of the state, the Attorney General
16 of the state, and the sheriff of the county to which the adult
17 criminal sex offender has declared his or her intent to be
18 employed and to the local law enforcement official of any
19 other state or tribal jurisdiction where the adult criminal
20 sex offender is required to register. An adult criminal sex
21 offender who fails to comply with the required registration
22 provisions of this subsection shall be guilty of a Class C
23 felony.

24 "(c) If an adult criminal sex offender transfers his
25 or her place of employment from a location outside of this
26 state to a location inside of this state, he or she shall be
27 required to register in person with the local law enforcement

1 official where he or she is newly employed within three
2 business days of beginning employment. The adult criminal sex
3 offender shall register all information as required in
4 subdivision (1) of subsection (a) of Section 15-20-22. The
5 local law enforcement official shall forward the adult
6 criminal sex offender's registration information to the
7 Department of Public Safety and the Alabama Criminal Justice
8 Information Center and to the local law enforcement official
9 of any other state or tribal jurisdiction where the adult
10 criminal sex offender is required to register. The forwarded
11 information shall include all information registered by the
12 adult criminal sex offender with the local law enforcement
13 official as required in subdivision (1) of subsection (a) of
14 Section 15-20-22. An adult criminal sex offender who fails to
15 comply with the required registration provisions of this
16 subsection shall be guilty of a Class C felony.

17 "§15-20-24.

18 "(a) (1) Sixty days after an adult criminal sex
19 offender's most current release and, except during ensuing
20 periods of incarceration, thereafter on the anniversary date
21 of an adult criminal sex offender's birthday occurring more
22 than 90 days after the release and the date six months after
23 the anniversary date of an adult criminal sex offender's
24 birthday occurring more than 90 days after the release, the
25 Department of Public Safety shall mail a non-forwardable
26 verification form to the address of the adult criminal sex
27 offender. ~~The sheriff, or chief of police where applicable,~~

1 ~~where the adult criminal sex offender resides shall be~~
2 ~~notified of the pending verification and whether the~~
3 ~~verification form was received by the adult criminal sex~~
4 ~~offender.~~

5 "(2) Sixty days after an adult criminal sex
6 offender's most current release where such offender has been
7 adjudged to be a sexually violent predator or has been found
8 guilty of any of the following offenses or any solicitation,
9 attempt, or conspiracy to commit any of the following offenses
10 and, except during ensuing periods of incarceration,
11 thereafter on the anniversary date of an adult criminal sex
12 offender's birthday occurring more than 90 days after the
13 release and on the dates three months, six months, and nine
14 months after the anniversary date of an adult criminal sex
15 offender's birthday occurring more than 90 days after the
16 release, the Department of Public Safety shall mail a
17 non-forwardable verification form to the address of the adult
18 criminal sex offender:

19 "a. Rape in the first degree.

20 "b. Sexual abuse in the first degree.

21 "c. Sexual torture.

22 "d. Sodomy in the first degree.

23 "e. Kidnapping of a minor, except by a parent, in
24 the first or second degree, as proscribed by Section 13A-6-43
25 or 13A-6-44.

26 "f. Rape in the second degree as proscribed by
27 subdivision (2) of subsection (a) of Section 13A-6-62.

1 "g. Sodomy in the second degree as proscribed by
2 subdivision (2) of subsection (a) of Section 13A-6-64.

3 "h. 18 U.S.C. §2241.

4 "i. 18 U.S.C. §2242.

5 "j. 18 U.S.C. §2244.

6 "(3) The local law enforcement official where the
7 adult criminal sex offender resides shall be notified of the
8 pending verification and whether the verification form was
9 received by the adult criminal sex offender.

10 "(b) Within 10 days of the receipt of the
11 verification form, the adult criminal sex offender shall
12 present in person the completed verification form to the
13 ~~sheriff, or chief of police where applicable,~~ local law
14 enforcement official where he or she resides who shall obtain
15 fingerprints and a photograph of the adult criminal sex
16 offender. The verification form shall be signed by the adult
17 criminal sex offender and shall state that the adult criminal
18 sex offender still resides at that address, verifies that his
19 or her registration information is correct, and that the adult
20 criminal sex offender is in compliance with the residence
21 restrictions established in this article. In the event the
22 adult criminal sex offender does not receive a verification
23 form from the Department of Public Safety, the adult criminal
24 sex offender must shall nonetheless report in person to the
25 ~~sheriff, or chief of police where applicable,~~ local law
26 enforcement official where he or she resides to verify his or
27 her ~~place of residence~~ registration information within 90 days

1 of his or her most recent release and thereafter each year
2 within ~~30~~ 20 days of the adult criminal sex offender's
3 birthday and the date six months after the adult criminal sex
4 offender's birthday.

5 "(c) Within 30 days of an adult criminal sex
6 offender's ~~address~~ in-person verification, the Department of
7 Public Safety shall, in accordance with guidelines promulgated
8 by the Department of Public Safety, receive from the
9 appropriate ~~sheriff or chief of police~~ local law enforcement
10 official verification of the adult criminal sex offender's
11 address and required online identifiers. Such guidelines shall
12 ensure that ~~address~~ verification is accomplished with respect
13 to these individuals and shall require the submission of
14 fingerprints and photographs of the individuals.

15 "(d) An adult criminal sex offender who fails to
16 ~~verify his or her place of residence~~ comply with the
17 verification provisions in accordance with this section,
18 provides a false statement to law enforcement in the
19 verification process, ~~or knowingly~~ fails to permit law
20 enforcement personnel to obtain fingerprints or a photograph, or
21 fails to provide every required online identifier, or uses a
22 required online identifier before providing it to the local
23 law enforcement official shall be guilty of a Class C felony.
24 Any changes in registration information shall also be
25 forwarded to the Alabama Criminal Justice Information Center
26 by the local law enforcement official within three business
27 days. The Department of Public Safety shall also forward any

1 changes in registration information to all counties in which
2 the adult criminal sex offender is registered and is required
3 to register.

4 "§15-20-25.

5 "(a) Within ~~five~~ three business days after the
6 ~~responsible agency provides notice of a release or intent to~~
7 ~~transfer residence of any adult criminal sex offender,~~ an
8 adult criminal sex offender initially registers or updates any
9 of his or her registration information, the following
10 procedures shall apply:

11 "(1) In the cities of Birmingham, Mobile,
12 Huntsville, and Montgomery, the chief of police shall notify
13 all persons who have a legal residence within 1,000 feet of
14 the declared residence of the adult criminal sex offender, all
15 hotels and motels within 1,000 feet of the declared residence
16 of the adult criminal sex offender, and all schools and child
17 care facilities within three miles of the declared residence
18 of the adult criminal sex offender that the adult criminal sex
19 offender will be establishing his or her residence.

20 "(2) In all other cities in Alabama with a resident
21 population of 5,000 or more, the chief of police, or if none
22 then the sheriff of the county, shall notify all persons who
23 have a legal residence within 1,500 feet of the declared
24 residence of the adult criminal sex offender, all hotels and
25 motels within 1,500 feet of the declared residence of the
26 adult criminal sex offender, and all schools and child care
27 facilities within three miles of the declared residence of the

1 adult criminal sex offender, that the adult criminal sex
2 offender will be establishing his or her residence.

3 "(3) In all other municipalities with a resident
4 population of less than 5,000, and in all unincorporated
5 areas, the sheriff of the county in which the adult criminal
6 sex offender intends to reside shall notify all persons who
7 have a legal residence within 2,000 feet of the declared
8 residence of the adult criminal sex offender, all hotels and
9 motels within 2,000 feet of the declared residence of the
10 adult criminal sex offender, and all schools and child care
11 facilities within three miles of the declared residence of the
12 adult criminal sex offender, that the adult criminal sex
13 offender will be establishing his or her residence.

14 "(b) A community notification flyer shall be made by
15 regular mail or hand delivered to all legal residences,
16 hotels, and motels required by this section. In addition, any
17 other method reasonably expected to provide notification may
18 be utilized, including, but not limited to, posting a copy of
19 the notice in a prominent place at the office of the sheriff
20 and at the police station closest to the declared residence of
21 the released adult criminal sex offender, publicizing the
22 notice in a local newspaper, ~~or~~ posting electronically,
23 ~~including the Internet,~~ or by other means available.

24 "(c) The Department of Public Safety shall make
25 available on the Internet, in a manner that is readily
26 accessible to all jurisdictions and the public, certain

1 information about each adult criminal sex offender in the
2 registry. The Internet registry shall include:

3 "(1) The name of the adult criminal sex offender and
4 any aliases.

5 "(2) The address at which the adult criminal sex
6 offender resides, and if the adult criminal sex offender does
7 not have a residence address, other information about where
8 the adult criminal sex offender has his or her home or
9 habitually lives, including, but not limited to, information
10 about a certain part of the city that is the adult criminal
11 sex offender's habitual locale, where the adult criminal sex
12 offender stations himself or herself during the day or sleeps
13 at night, shelters among which the adult criminal sex offender
14 circulates, and/or bridges.

15 "(3) The address of any place where the adult
16 criminal sex offender is an employee.

17 "(4) The address of any place where the adult
18 criminal sex offender is a student.

19 "(5) The license plate number and a description of
20 any vehicle owned or operated by the adult criminal sex
21 offender.

22 "(6) A physical description of the adult criminal
23 sex offender.

24 "(7) The criminal sex offense for which the adult
25 criminal sex offender is registered and any other criminal sex
26 offense for which the adult criminal sex offender has been
27 convicted.

1 "(8) Notice if the adult criminal sex offender is in
2 violation of registration provisions and/or cannot be located.

3 "(9) A current photograph.

4 "(10) Any links to sex offender safety and education
5 resources.

6 "(11) Instructions on how to seek correction of
7 information that an individual contends is erroneous.

8 "(12) A warning that information on the site should
9 not be used to injure, harass, or commit a crime against any
10 individual named in the registry or residing or working at any
11 reported address.

12 "(13) Field-search capabilities that allow for
13 searches by name, county, city, and zip code.

14 "(d) The Internet registry shall not include the
15 identity of any victim of a criminal sex offense other than
16 the victim's age and gender; the adult criminal sex offender's
17 Social Security number; arrests not resulting in conviction;
18 and travel and immigration document numbers.

19 "(e) Whenever an adult criminal sex offender
20 initially registers or updates any of his or her registration
21 information, the information required to be included in the
22 Internet registry pursuant to subsection (c) shall be posted
23 on such registry within three business days. Additionally, the
24 Internet registry shall include a function by which members of
25 the public and organizations can request notification when an
26 adult criminal sex offender commences residence, employment,
27 or school attendance within zip code areas specified by the

1 requester, where the requester provides an e-mail address to
2 which notice is to be sent. Upon posting on the Internet
3 registry of new residence, employment, or school attendance
4 information for an adult criminal sex offender within an area
5 specified by the requester, the system shall automatically
6 send an e-mail notice to the requester that identifies the
7 adult criminal sex offender, thus enabling the requester to
8 access the jurisdiction's website and view the new information
9 about the adult criminal sex offender.

10 "(f) The Department of Public Safety, at least
11 quarterly, shall compile a list of those persons with a duty
12 to register under this article who have failed to register,
13 whose addresses cannot be verified, or who otherwise cannot be
14 located. The Department of Public Safety shall post this list
15 on the Internet registry and request the public's assistance
16 in locating these persons.

17 ~~"(c) (g)~~ Nothing in this article shall be construed
18 as prohibiting the Department of Public Safety, ~~a sheriff, or~~
19 ~~a chief of police~~ or a local law enforcement official from
20 providing community notification under the provisions of this
21 article electronically or by publication or periodically to
22 persons whose legal residence is more than the applicable
23 distance from the residence of an adult criminal sex offender.

24 "§15-20-25.1.

25 "(a) Any adult criminal sex offender not a resident
26 of this state shall nevertheless be required to register with
27 law enforcement whenever the offender comes into this state to

1 accept employment,~~to carry on a vocation,~~ or to become a
2 student. The offender shall also register any subsequent
3 changes in his or her place of lodging, employment, or school
4 being attended.

5 "(b) Any adult criminal sex offender required to
6 register under this section ~~shall,~~ within ~~five~~ three business
7 days after entering this state or changing his or her place of
8 lodging, employment, or school being attended, ~~provide a~~
9 ~~written declaration to the sheriff of the county and chief of~~
10 ~~police of the municipality in which~~ shall register in person
11 with all local law enforcement officials where the offender
12 intends to work, ~~or~~ become a student, or lodge. ~~This written~~
13 ~~declaration shall contain~~ The adult criminal sex offender
14 shall register all of the following:

15 "(1) Information concerning the registrant's place
16 of employment or the school being attended.

17 "(2) The registrant's address in his or her state of
18 residence.

19 "(3) The address of any place of lodging the
20 registrant may have in this state for purposes of employment
21 or attendance as a student.

22 "~~(4) Other information as would be necessary to~~
23 ~~complete a community notification flyer as defined in~~
24 ~~subdivision (3) of Section 15-20-21.~~ Any information listed in
25 subdivision (1) of subsection (a) of Section 15-20-22 except
26 for subsection (g).

1 "(c) Whenever an adult criminal sex offender
2 registers pursuant to this section, he or she shall be subject
3 to the community notification ~~procedures~~ provisions set forth
4 in Section 15-20-25. The adult criminal sex offender shall be
5 treated as though he or she had transferred his or her place
6 of residence to the place of lodging declared under
7 subdivision (3) of subsection (b). If no place of lodging is
8 declared or exists, the adult criminal sex offender shall be
9 treated as though he or she had transferred his or her place
10 of residence to the place of employment or the school being
11 attended declared under subdivision (1) of subsection (b).

12 ~~"(d) An intentional failure to provide a timely and~~
13 ~~accurate written declaration as required by this section shall~~
14 ~~constitute a Class C felony. A change in any of the~~
15 information listed above under subsection (b) shall be
16 reported in person to all local law enforcement officials in
17 this state or any other state or tribal jurisdiction where the
18 adult criminal sex offender resides, is or ceases to be a
19 student, and is or ceases to be employed at an institution of
20 higher education or school, if such are different, by the
21 adult criminal sex offender within three business days after
22 the change becomes effective. Within three business days of
23 the adult criminal sex offender's in-person registration
24 pursuant to this section, the local law enforcement official
25 shall forward the adult criminal sex offender's registration
26 information to the Department of Public Safety and the Alabama
27 Criminal Justice Information Center, and to the local law

1 enforcement official of any other state or tribal jurisdiction
2 where the sex offender is required to register.

3 "(e) An adult criminal sex offender who fails to
4 comply with the required registration provisions of this
5 section shall be guilty of a Class C felony.

6 "§15-20-25.2.

7 "(a) In addition to any other requirements of this
8 article, an adult criminal sex offender shall ~~provide written~~
9 ~~notice to the sheriff of the county and chief of police of the~~
10 ~~municipality in which~~ register in person with all local law
11 enforcement officials where the adult criminal sex offender
12 resides, is a student, or is employed at an institution of
13 higher education or school of the following:

14 "(1) Each institution of higher education or school
15 at which the offender is employed, ~~carries on a vocation,~~ or
16 is a student.

17 "(2) Each change in enrollment or employment status
18 of the offender at an institution of higher education or
19 school.

20 "(b) An adult criminal sex offender shall ~~provide~~
21 ~~written notice~~ register as required under subdivision (1) of
22 subsection (a) within ~~five~~ three business days of becoming
23 employed, ~~carrying on a vocation,~~ or becoming a student at an
24 institution of higher education or school.

25 "(c) A change in status noticed under subdivision
26 (2) of subsection (a) shall be reported in person to all local
27 law enforcement officials in this state or any other state or

1 tribal jurisdiction where the adult criminal sex offender
2 resides, is or ceases to be a student, and is or ceases to be
3 employed at an institution of higher education or school, if
4 such are different by the adult criminal sex offender within
5 ~~five~~ three business days after the change becomes effective.
6 Within three business days of the adult criminal sex
7 offender's in-person registration update, the local law
8 enforcement officials from which a change occurs shall notify
9 the local law enforcement officials to which a change is
10 occurring. If the adult criminal sex offender fails to present
11 himself or herself in person to the local law enforcement
12 official where he or she is newly enrolled as a student or
13 newly employed, the local law enforcement official shall
14 immediately notify the local law enforcement official where
15 the adult criminal sex offender gave notice of his or her
16 intent to change enrollment or employment status.

17 "(d) Any ~~written notice~~ registration information
18 provided to law enforcement under this section shall be
19 forwarded to the Department of Public Safety and the Alabama
20 Criminal Justice Information Center, both of which shall enter
21 the registration information ~~contained in the written notice~~
22 in the appropriate state records or data system.

23 "(e) Any ~~written notice~~ registration information
24 provided to law enforcement under this section shall also be
25 forwarded to campus police, school resource officer, and any
26 other security personnel of the school or institution of

1 higher learning where the adult criminal sex offender is
2 employed, ~~carries on a vocation,~~ or is a student.

3 ~~"(f) An intentional failure to provide timely and~~
4 ~~accurate written notice as required by this section shall~~
5 ~~constitute a Class C felony. An adult criminal sex offender~~
6 ~~who fails to comply with the required registration provisions~~
7 ~~of this subsection shall be guilty of a Class C felony.~~

8 "§15-20-25.3.

9 "(a) Whenever an individual is convicted of a
10 criminal sex offense in this state, the state, at the time of
11 sentencing, may petition the sentencing court to enter an
12 order adjudging the offender to be a sexually violent
13 predator.

14 "(b) If the state so petitions, it shall present
15 clear and convincing evidence that the offender suffers from a
16 mental abnormality or personality disorder that makes the
17 person likely to engage in predatory criminal sex offenses.

18 "(c) Any offender determined in any other state to
19 be a sexually violent predator or the equivalent thereof shall
20 be considered a sexually violent predator in this state.

21 "(d) Any adult criminal sex offender convicted who
22 has two convictions for any of the offenses listed in
23 paragraphs a. to h., inclusive, of subdivision (2) of
24 subsection (a) of Section 15-20-24 shall be considered a
25 sexually violent predator in this state.

26 "~~(d)~~ (e) Sexually violent predators shall be
27 required, upon release, to provide to the responsible agency,

1 in addition to the information required to complete a
2 community notification flyer as provided in subdivision (3) of
3 Section 15-20-21:

4 "(1) A full history of criminal offenses committed
5 by the offender.

6 "(2) Documentation of any treatment received for the
7 mental abnormality or personality disorder of the offender.

8 "~~(e)~~ (f) A sexually violent predator shall be
9 required to verify his or her place of residence ~~on a~~
10 ~~quarterly basis~~ as provided in subdivision (2) of subsection
11 (a) of Section 15-20-24, rather than ~~an annual basis~~ as is
12 generally provided in subdivision (1) of subsection (a) of
13 Section 15-20-24.

14 "~~(f)~~ (g) A sexually violent predator, as a condition
15 of the offender's release from incarceration, shall be subject
16 to electronic monitoring and be required to pay the costs of
17 such monitoring, as set forth in Section 15-20-26.1, for a
18 period of no less than 10 years from the date of the sexually
19 violent predator's release. This requirement shall be imposed
20 by the sentencing court as a part of the sexually violent
21 predator's sentence, as provided in Sections 13A-5-6(c) and
22 15-20-26.1.

23 "~~(g)~~ An intentional failure to comply with any
24 ~~provision of this section shall constitute a Class C felony.~~

25 "(h) An adult criminal sex offender who fails to
26 comply with the required registration provisions of this
27 section shall be guilty of a Class C felony.

1 "§15-20-26.

2 "(a) Unless otherwise exempted by law, no adult
3 criminal sex offender shall establish a residence or any other
4 living accommodation or accept employment within 2,000 feet of
5 the property on which any school, ~~or~~ child care facility, Boys
6 and Girls Club, or YMCA is located.

7 "(b) Unless otherwise exempted by law, no adult
8 criminal sex offender shall establish a residence or any other
9 living accommodation within ~~1,000~~ 2,000 feet of the property
10 on which any of his or her former victims, or the victims'
11 immediate family members reside.

12 "(c) No adult criminal sex offender shall establish
13 a residence or any other living accommodation where a minor
14 resides nor remain at a residence or living accommodation
15 where a minor subsequently establishes residence at the same
16 residence or living accommodation. Notwithstanding the
17 foregoing, an adult criminal sex offender may reside with a
18 minor if the adult criminal sex offender is the parent,
19 grandparent, or stepparent of the minor, after prior court
20 approval in the case of a stepparent, unless one of the
21 following conditions applies:

22 "(1) The adult criminal sex offender's parental
23 rights have been or are in the process of being terminated as
24 provided by law.

25 "(2) The adult criminal sex offender has been
26 convicted of any criminal sex offense in which any of the

1 adult criminal sex offender's minor children, grandchildren,
2 or stepchildren were the victim.

3 "(3) The adult criminal sex offender has been
4 convicted of any criminal sex offense in which a minor was the
5 victim and the minor resided or lived with the adult criminal
6 sex offender at the time of the offense.

7 "(4) The adult criminal sex offender has ever been
8 convicted of any criminal sex offense involving a child,
9 regardless of whether the adult criminal sex offender was
10 related to or shared a residence with the child victim.

11 "(d) No adult criminal sex offender who is
12 prohibited by subsection (c) from establishing a residence or
13 any other living accommodation where a minor resides shall
14 establish a residence or living accommodation on the same lot
15 or parcel where a minor resides. Any adult criminal sex
16 offender violates this provision if he or she resides in a
17 mobile home, recreational vehicle, vehicle, tent, or other
18 structure, whether permanent or temporary, on the same
19 residential lot or parcel as a minor residing in a
20 single-family residence.

21 "~~(d)~~ (e) No adult criminal sex offender shall be
22 permitted to willfully or knowingly come within ~~100~~ 300 feet
23 of any of his or her former victims, except as elsewhere
24 provided by law, or make any visual or audible sexually
25 suggestive or obscene gesture, sound, or communication at or
26 to a former victim or a member of the victim's immediate
27 family.

1 "~~(e)~~ (f) Changes to property within 2,000 feet of an
2 adult criminal sex offender's registered address which occur
3 after an adult criminal sex offender establishes residency or
4 accepts employment shall not form the basis for finding that ~~a~~
5 an adult criminal sex offender is in violation of subsections
6 (a) or (b).

7 "~~(f)~~ (g) No adult criminal sex offender, after having
8 been convicted of a criminal sex offense involving a child,
9 shall loiter on or within 500 feet of any property on which
10 there is a school, child care facility, Boys and Girls Club,
11 YMCA, playground, park, athletic field or facility, or any
12 other business or facility having a principal purpose of
13 caring for, educating, or entertaining minors. Under this
14 subsection, "loiter" means to enter or remain on property
15 while having no legitimate purpose therefor or, if a
16 legitimate purpose exists, remaining on that property beyond
17 the time necessary to fulfill that purpose. An adult criminal
18 sex offender does not violate this subsection unless he or she
19 has first been asked to leave a prohibited location by a
20 person authorized to exclude the adult criminal sex offender
21 from the premises. An authorized person includes, but is not
22 limited to, any law enforcement officer, any owner or manager
23 of the premises, a principal or teacher if the premises is a
24 school or child care facility, or a coach if the premises is
25 an athletic field or facility.

26 "(h) No adult criminal sex offender who is required
27 to register under this article shall knowingly enter a

1 building or any other improvement in this state owned, leased,
2 rented, or controlled by or for the operation of a school or
3 enter upon the real property of a school. It is not a
4 violation of this subsection if the sex offender:

5 "(1) Is a student of that school.

6 "(2) Enters a building or any other improvement in
7 this state owned, leased, rented, or controlled by or for the
8 operation of a school or enters upon the real property of a
9 school for the purpose of attending a school-sponsored event
10 for which an admission fee is charged or tickets are sold or
11 distributed, a graduation ceremony, or a baccalaureate
12 ceremony.

13 "(3) Enters a building or any other improvement in
14 this state owned, leased, rented, or controlled by or for the
15 operation of a school or enters upon the real property of a
16 school when school is not in session and when no
17 school-sponsored event is taking place.

18 "(4) Is the parent or guardian of a student enrolled
19 in a school and enters a building or any other improvement in
20 this state owned, leased, rented, or controlled by or for the
21 operation of a school or enters upon the real property of a
22 school for the purpose of delivering to the student medicine,
23 food, or personal items, provided that the items are delivered
24 directly to the school office, or attends a scheduled
25 parent-teacher conference, provided that the adult criminal
26 sex offender is escorted to and from the conference by a
27 designated school official or employee. An adult criminal sex

1 offender who is the parent or guardian of a child enrolled in
2 a school and wishes to enter a building or any other
3 improvement in this state owned, leased, rented, or controlled
4 by or for the operation of a school, or wishes to enter upon
5 the real property of a school in which the student is enrolled
6 for any other purpose shall give reasonable notice to the
7 school principal or his or her designee and inform the school
8 principal or his or her designee that he or she is an adult
9 criminal sex offender.

10 "(g)(i) No adult criminal sex offender, after having
11 been convicted of a criminal sex offense involving a child,
12 shall accept, maintain, or carry on any employment or vocation
13 at or within 500 feet of a school, child care facility, Boys
14 and Girls Club, YMCA, playground, park, athletic field or
15 facility, or any other business or facility having a principal
16 purpose of caring for, educating, serving, catering to, or
17 entertaining minors.

18 ~~"(h) An adult criminal sex offender who knowingly~~
19 ~~violates the provisions of this section shall be guilty of a~~
20 ~~Class C felony.~~

21 "(j) No adult criminal sex offender, after having
22 been convicted of a criminal sex offense involving a child as
23 defined by subdivision (5) of Section 15-20-21, shall accept,
24 maintain, or carry on any employment where the sex offender
25 operates or travels on an ice cream truck or cart, or other
26 similar mobile vendor that caters primarily to children.

1 "(k) Notwithstanding any other provision of law, no
2 person shall provide or offer to provide for profit or
3 otherwise, supervision or care for a child under the age of
4 12, who is unrelated to the provider by blood, marriage, or
5 adoption, while the child's parents or guardian are not on the
6 premises in any of the following circumstances: The
7 supervision or care for a child under the age of 12 is offered
8 in a home and a resident of the home is an adult criminal sex
9 offender; or a provider of care for the supervision or care
10 for a child under the age of 12 is an adult criminal sex
11 offender who is required to register in accordance with this
12 act.

13 "(l) No juvenile criminal sex offender, who is
14 convicted or adjudicated guilty of a criminal sex offense
15 after the effective date of this act, shall reside in the same
16 residence where his or her victim resides.

17 "(m) An adult criminal sex offender who fails to
18 comply with the required registration provisions of this
19 subsection shall be guilty of a Class C felony.

20 "§15-20-26.2.

21 "(a) Every adult criminal sex offender who is a
22 resident of this state shall obtain within 30 days from
23 release or entering this state and always have in his or her
24 possession either a valid driver's license or identification
25 card issued by the Alabama Department of Public Safety. If any
26 adult criminal sex offender is ineligible to be issued a
27 driver's license or official identification card, the

1 Department of Public Safety shall provide the adult criminal
2 sex offender some other form of identification card or
3 documentation that, if it is kept in the adult criminal sex
4 offender's possession, shall satisfy the requirements of this
5 section. If any adult criminal sex offender is determined to
6 be indigent, an identification card or other documentation in
7 lieu thereof shall be issued to the adult criminal sex
8 offender at no cost. An adult criminal sex offender who
9 ~~knowingly~~ violates this provision shall be guilty of a Class C
10 felony.

11 "(b) Whenever the Department of Public Safety issues
12 or renews a driver's license or identification card to an
13 adult criminal sex offender, the driver's license or
14 identification card shall bear a designation that enables law
15 enforcement officers to identify the licensee as ~~a~~ an adult
16 criminal sex offender.

17 "(c) Every adult criminal sex offender convicted
18 after January 1, 2010, shall obtain a driver's license or
19 identification card prescribed by subsection (a) within 30
20 days of release.

21 "§15-20-28.

22 "(a) Sixty days prior to the projected release of a
23 juvenile criminal sex offender, the treatment provider shall
24 provide a risk assessment of the juvenile to the sentencing
25 court and the juvenile probation officer for any juvenile who
26 has been adjudicated delinquent of any criminal sex offense
27 not listed in subsection (b).

1 "(b) Any juvenile criminal sex offender who has been
2 adjudicated delinquent of any of the following offenses is not
3 entitled to a risk assessment and shall register as an adult
4 criminal sex offender as if he or she were an adult criminal
5 sex offender. Such juvenile criminal sex offender who has been
6 adjudicated delinquent after the effective date of this
7 amendatory act is also subject to community notification as if
8 he or she were an adult criminal sex offender as provided in
9 Section 15-20-25:

10 "(1) Rape in the first degree.

11 "(2) Sexual abuse in the first degree.

12 "(3) Sexual torture.

13 "(4) Sodomy in the first degree.

14 "(5) Kidnapping of a minor, except by a parent, in
15 the first or second degree, as proscribed by Section 13A-6-43
16 or 13A-6-44.

17 "(6) Rape in the second degree as proscribed by
18 subdivision (2) of subsection (a) of Section 13A-6-62.

19 "(7) Sodomy in the second degree as proscribed by
20 subdivision (2) of subsection (a) of Section 13A-6-64.

21 "(8) 18 U.S.C. §2241.

22 "(9) 18 U.S.C. §2242.

23 "(10) 18 U.S.C. §2244.

24 ~~"(b)"~~ (c) Upon receiving the risk assessment, the
25 juvenile probation officer shall immediately notify the state,
26 and either the parent, guardian, ~~or~~ custodian, or attorney of
27 the juvenile criminal sex offender, ~~or attorney for the~~

1 ~~juvenile criminal sex offender~~ who has been adjudicated
2 delinquent of an offense under subsection (a), of the pending
3 release and provide them with the risk assessment.

4 "~~(c)~~ (d) Unless otherwise ordered by the sentencing
5 court, the juvenile criminal sex offender who has been
6 adjudicated delinquent of an offense under subsection (a)
7 shall not be subject to notification upon release.

8 "~~(d)~~ (e) Within ~~thirty~~ 30 days of receiving the risk
9 assessment for a juvenile offender who has been adjudicated
10 delinquent of an offense under subsection (a), the state may
11 petition the court to apply notification.

12 "~~(e)~~ (f) No juvenile criminal sex offender who has
13 been adjudicated delinquent of an offense under subsection (a)
14 shall be removed from the supervision of the court until such
15 time as ~~the~~ such juvenile criminal sex offender has completed
16 treatment, the treatment provider has filed a risk assessment
17 with the court, and the state has had an opportunity to file a
18 petition to apply notification.

19 "~~(f)~~ (g) Upon receiving a petition to apply
20 notification, the sentencing court shall conduct a hearing on
21 the risk of the juvenile criminal sex offender who has been
22 adjudicated delinquent of an offense under subsection (a) to
23 the community. The sentencing court may deny the petition or
24 grant the petition based upon, but not limited to, the
25 following factors relevant to the risk of re-offense:

26 "(1) Conditions of release that minimize risk of
27 re-offense, including, but not limited to, whether the

1 specified offender is under supervision of probation or
2 parole; receiving counseling, therapy, or treatment; or
3 residing in a home situation that provides guidance and
4 supervision.

5 "(2) Physical conditions that minimize risk of
6 re-offense, including, but not limited to, ~~advanced~~ age or
7 debilitating illness.

8 "(3) Criminal history factors indicative of high
9 risk of re-offense, including whether the offender's conduct
10 was found to be characterized by repetitive and compulsive
11 behavior.

12 "(4) Other criminal history factors to be considered
13 in determining risk, including:

14 "a. The relationship between the juvenile criminal
15 sex offender and the victim.

16 "b. Whether the criminal sex offense involved the
17 use of a weapon, violence, or infliction of serious bodily
18 injury.

19 "c. The number, date, and nature of prior offenses.

20 "(5) Whether psychological or psychiatric profiles
21 indicate a risk of recidivism.

22 "(6) The specified juvenile criminal sex offender's
23 response to treatment.

24 "(7) Recent behavior, including behavior while
25 confined or while under supervision in the community as well
26 as behavior in the community following service of sentence.

1 "(8) Recent threats against persons or expressions
2 of intent to commit additional crimes.

3 "~~(g)~~ (h) If the court determines there is a need for
4 notification, the level of notification to be applied shall be
5 as follows:

6 "(1) If the risk of re-offense is low, notification
7 that the juvenile criminal sex offender who has been
8 adjudicated delinquent of an offense under subsection (a) will
9 be establishing his or her residence shall be provided to the
10 principal of the school where the juvenile criminal sex
11 offender will attend after release. This notification shall
12 include the juvenile criminal sex offender's name, actual
13 living address, date of birth, and a statement of the criminal
14 sex offense for which he or she has been adjudicated
15 delinquent, including the age and gender of the victim. This
16 information shall be considered confidential by the school and
17 be shared only with the teachers and staff with supervision
18 over the juvenile criminal sex offender who has been
19 adjudicated delinquent of an offense under subsection (a).

20 Whomever, except as specifically provided herein, directly or
21 indirectly discloses or makes use of or knowingly permits the
22 use of information concerning a child described in ~~these~~
23 ~~subsections~~ subsection (a) to subsection (g), inclusive, upon
24 conviction thereof, shall be guilty of a Class A misdemeanor
25 within the jurisdiction of the juvenile court.

26 "(2) If the risk of re-offense is moderate,
27 notification that the juvenile criminal sex offender who has

1 been adjudicated delinquent of an offense under subsection (a)
2 will be establishing his or her residence shall be provided to
3 all schools and child care facilities within three miles of
4 the declared residence of the juvenile criminal sex offender.
5 A community notification flyer shall be made by regular mail
6 or hand delivered to all schools or child care facilities as
7 required by this subsection. A flyer shall also be on file
8 with the sheriff in the county of residence and made available
9 for public inspection. No other method may be used to
10 disseminate this information.

11 "(3) If the risk of re-offense is high, the public
12 shall receive notification as though the juvenile criminal sex
13 offender who has been adjudicated delinquent of an offense
14 under subsection (a) were an adult in accordance with Section
15 15-20-25.

16 "~~(h)~~ (i) The determination of notification by the
17 sentencing court shall ~~not be subject to appeal~~ only be
18 appealable for abuse of discretion.

19 "§15-20-29.

20 "(a) Prior to release of the juvenile criminal sex
21 offender who has been adjudicated delinquent of an offense
22 under subsection (a) of Section 15-20-28, the following shall
23 apply:

24 "(1) The responsible agency shall require the
25 parent, custodian, or guardian of the juvenile criminal sex
26 offender to declare in writing the actual living address at
27 which the juvenile criminal sex offender will reside upon

1 release. ~~An intentional~~ A failure to provide a timely and
2 accurate written declaration shall constitute a Class A
3 misdemeanor.

4 "(2) If the parent, guardian, or custodian of the
5 juvenile criminal sex offender declares an address outside of
6 the state, the responsible agency shall, within ~~five~~ three
7 business days of the written declaration required by this
8 article, notify the Director of the Department of Public
9 Safety, the Attorney General of the state, ~~or~~ and the
10 ~~designated state law enforcement agency of the state~~ sheriff
11 of the county to which the parent, guardian, or custodian of
12 the juvenile criminal sex offender has declared the actual
13 living address. The notification shall include all information
14 available to the responsible agency that would be necessary to
15 identify and trace the juvenile criminal sex offender,
16 including, but not limited to, the risk assessment and a
17 current photograph of the juvenile criminal sex offender.

18 "(3) If the parent, guardian, or custodian of the
19 juvenile criminal sex offender declares an address within this
20 state, the responsible agency shall, within ~~five~~ three
21 business days of the written declaration, notify the Attorney
22 General, the ~~Director of the~~ Department of Public Safety, the
23 district attorney and the sheriff of the county in which the
24 parent, guardian, or custodian of the juvenile criminal sex
25 offender has declared the actual living address, and the chief
26 of police of any municipality in which the parent, guardian,
27 or custodian of the juvenile criminal sex offender has

1 declared the actual living address. The notification shall
2 include all information available to the responsible agency
3 that would be necessary to identify and trace the juvenile
4 criminal sex offender, including, but not limited to, the risk
5 assessment and a current photograph of the juvenile criminal
6 sex offender.

7 "(b) If the parent, custodian, or guardian of a
8 juvenile criminal sex offender intends to transfer the
9 residence of the juvenile criminal sex offender, or the
10 custody of the juvenile criminal sex offender is changed to a
11 different parent or guardian resulting in a transfer of
12 residence, the original parent or guardian in custody shall
13 declare in writing the actual living address of the intended
14 new residence for the juvenile criminal sex offender and
15 provide this information to the sheriff for the current
16 residence at least 14 days prior to moving to the new
17 location. The sheriff shall transfer the information to the
18 Department of Public Safety and the ~~sheriff of the county to~~
19 ~~which~~ local law enforcement official where the juvenile
20 criminal sex offender intends to move ~~or the chief of police.~~
21 ~~An intentional~~ A failure to provide a timely and accurate
22 written declaration shall constitute a Class A misdemeanor.

23 "(c) When a juvenile criminal sex offender becomes
24 the age of ~~majority~~ 18, the parent, guardian, or custodian of
25 the juvenile criminal sex offender shall no longer be subject
26 to the requirements under subsections (a) and (b), and the
27 juvenile criminal sex offender shall instead be subject to

1 ~~Section 15-20-22 or Section 15-20-23~~ this article pertaining
2 to adult criminal sex offenders as though he or she were an
3 adult criminal sex offender. Community notification, however,
4 shall not be allowed, ~~unless so ordered by the sentencing~~
5 ~~court~~ except as required by subsection (b) of Section
6 15-20-28.

7 "§15-20-30.

8 "(a) Sixty days after a juvenile criminal sex
9 offender's most current release and, except during ensuing
10 periods of incarceration, thereafter ~~on~~ within three days of
11 the anniversary date of a juvenile criminal sex offender's
12 birthday occurring more than 90 days after the release, the
13 Department of Public Safety shall mail a non-forwardable
14 verification form to the address of the juvenile criminal sex
15 offender addressed to the parent, guardian, or custodian of
16 the juvenile criminal sex offender. The ~~sheriff, or chief of~~
17 ~~police where applicable,~~ local law enforcement official where
18 the juvenile criminal sex offender resides shall be notified
19 of the pending verification and whether the verification form
20 was received by the parent, guardian, or custodian of the
21 juvenile criminal sex offender.

22 "(b) Within 10 days of the receipt of the
23 verification form, the parent, guardian, or custodian of the
24 juvenile criminal sex offender, accompanied by the juvenile
25 criminal sex offender, shall present in person the completed
26 verification form to the ~~sheriff, or chief of police where~~
27 ~~applicable,~~ local law enforcement official where the juvenile

1 criminal sex offender resides, who shall obtain fingerprints
2 and a photograph of the juvenile criminal sex offender. The
3 verification form shall be signed by the parent, guardian, or
4 custodian of the juvenile criminal sex offender and shall
5 state that the juvenile criminal sex offender still resides at
6 that address.

7 "(c) Within 30 days of the annual date of the
8 juvenile criminal sex offender's address verification, the
9 Department of Public Safety ~~shall~~, in accordance with
10 guidelines promulgated by the Department of Public Safety,
11 shall receive from the appropriate ~~sheriff or chief of police~~
12 law enforcement official verification of the juvenile criminal
13 sex offender's address. Such guidelines shall ensure that
14 address verification is accomplished with respect to these
15 individuals and shall require the submission of fingerprints
16 and photographs of the individuals.

17 "(d) A parent, guardian, or custodian of a juvenile
18 criminal sex offender who fails to present in person a
19 completed verification form to the ~~sheriff, or chief of police~~
20 ~~where applicable,~~ local law enforcement official within 10
21 days, or ~~knowingly~~ fails to permit law enforcement personnel
22 to obtain fingerprints or a photograph of the juvenile
23 criminal sex offender shall have committed a Class C felony.

24 "(e) When a juvenile criminal sex offender becomes
25 the age of 18, the parent, guardian, or custodian of the
26 juvenile criminal sex offender shall no longer be subject to
27 the requirements under subsections (a) to subsection (d),

1 inclusive, and the juvenile criminal sex offender shall
2 instead be subject to Section 15-20-24 as though he or she
3 were an adult criminal sex offender. Community notification,
4 however, shall not be allowed, unless so ordered by the
5 sentencing court.

6 "§15-20-31.

7 "(a) For the purposes of this article, if a youthful
8 offender criminal sex offender has not been previously
9 adjudicated for a criminal sex offense, he or she shall be
10 considered a juvenile criminal sex offender. If a youthful
11 offender criminal sex offender has been previously adjudicated
12 or convicted of a criminal sex offense, he or she shall be
13 treated as an adult criminal sex offender. Juvenile criminal
14 sex offenders who have been found guilty of the following
15 offenses or any solicitation, attempt or conspiracy to commit
16 any of the following offenses shall be treated as adult
17 criminal sex offenders for purposes of this article:

18 "(1) Rape in the first degree.

19 "(2) Sexual abuse in the first degree.

20 "(3) Sexual torture.

21 "(4) Sodomy in the first degree.

22 "(5) Kidnapping of a minor, except by a parent, in
23 the first or second degree, as proscribed by Section 13A-6-43
24 or 13A-6-44.

25 "(6) Rape in the second degree as proscribed by
26 subdivision (2) of subsection (a) of Section 13A-6-62.

1 "(7) Sodomy in the second degree as proscribed by
2 subdivision (2) of subsection (a) of Section 13A-6-64.

3 "(8) 18 U.S.C. §2241.

4 "(9) 18 U.S.C. §2242.

5 "(10) 18 U.S.C. §2244.

6 "(b) A youthful offender criminal sex offender who
7 is treated as a juvenile criminal sex offender for purposes of
8 this article may not be released from the jurisdiction of the
9 sentencing court until the offender has undergone sex offender
10 treatment and a risk assessment as required by Sections
11 15-20-27 and 15-20-28.

12 "§15-20-32.

13 "In the case in which any ~~criminal~~ sex offender
14 escapes from a state or local correctional facility, juvenile
15 detention facility, or any other facility that would permit
16 unsupervised access to the public, the responsible agency
17 ~~shall~~, within 24 hours, shall notify the Department of Public
18 Safety, the sheriff and the chief of police having had
19 jurisdiction at the time of the criminal sex offense
20 conviction or adjudication, informing such of the name and
21 aliases of the ~~criminal~~ sex offender, of the time remaining to
22 be served, ~~if any,~~ on the full term for which the ~~criminal~~ sex
23 offender was incarcerated, and the nature of the crime for
24 which he or she was sentenced, transmitting at the same time a
25 copy of such ~~criminal~~ sex offender's fingerprints and current
26 photograph and a summary of his or her criminal record.

27 "§15-20-33.

1 "~~(a) Any adult~~ Adult criminal sex ~~offender~~ offenders
2 shall be subject to this article for life.

3 "(b) A juvenile criminal sex offender shall not be
4 subject to residency restrictions, except as provided for in
5 subsection (k) of Section 15-20-26.

6 "~~(b)~~ (c) A juvenile criminal sex offender, whether
7 having been incarcerated or not, who resides within this
8 state, shall be subject to this article for a period of ~~ten~~ 10
9 years from the last date of release, unless that offender is
10 subject to registration as an adult in accordance with
11 subsection (b) of Section 15-20-28, who is treated as an adult
12 criminal sex offender for purposes of this article. A juvenile
13 criminal sex offender who is subsequently convicted as an
14 adult criminal sex offender within the ~~ten~~ 10-year period
15 shall be considered solely an adult criminal sex offender.

16 "~~(c)~~ (d) Nothing in this article shall preclude any
17 criminal sex offender from registering in accordance with
18 Section 13A-11-200; however, such registration unless
19 otherwise proscribed by this article does not trigger public
20 notification.

21 "§15-20-34.

22 "(a) Any notice provided to the community pursuant
23 to this article shall not contain the name or any other
24 information identifying the victim.

25 "(b) If the last known address of a victim is in the
26 State of Alabama, the responsible agency shall notify the
27 Attorney General's Office of Victim Assistance and ~~they~~ that

1 office shall send a notice to the victim that the ~~criminal~~ sex
2 offender will be released and the location at which the
3 ~~criminal~~ sex offender intends to reside.

4 "The Board of Pardons and Paroles shall furnish the
5 Attorney General's Office of Victim Assistance with any victim
6 information for victims whose offenders are subject to this
7 article. The Attorney General's Office of Victim Assistance
8 shall notify the victims who file a written request to be
9 notified of a ~~criminal~~ sex offender's pending release. This
10 request may be made on a form provided by the Attorney
11 General's Office of Victim Assistance. The Attorney General's
12 Office of Victim Assistance shall send a notice to the address
13 provided on the form notifying the victim that the ~~criminal~~
14 sex offender will be released and the location at which the
15 ~~criminal~~ sex offender will reside. It shall be the
16 responsibility of the victim to inform the Attorney General's
17 Office of Victim Assistance if the victim's address or any
18 other pertinent information on the notice request changes. If
19 the notice sent by the Attorney General's Office of Victim
20 Assistance is returned as undeliverable, no further action
21 shall be required of the Attorney General's Office of Victim
22 Assistance.

23 "§15-20-35.

24 "(a) The responsible agency shall cooperate with the
25 Director of the Department of Public Safety in a reasonable
26 manner that enables the Department of Public Safety to prepare

1 a ~~criminal~~ sex offender release notification form, designed by
2 the Department of Public Safety.

3 "(b) The information collected or maintained by the
4 Department of Public Safety, sheriff, or police department
5 under this article shall be used to track the locations and
6 movements of ~~criminal~~ sex offenders in this state and shall be
7 disclosed to any of the following:

8 "(1) Federal, state, and local criminal justice
9 agencies for law enforcement purposes and community
10 notification in accordance with Section 15-20-22 or another
11 state's similar provision.

12 "(2) Federal, state, and local governmental agencies
13 responsible for conducting employment-related confidential
14 background checks.

15 "(c) The information in this section may be made
16 available through the Alabama Criminal Justice Information
17 Center information systems and the National Crime Information
18 Center network for criminal justice purposes or any other
19 purpose authorized by law.

20 "(d) No existing state laws, including, but not
21 limited to, statutes that would otherwise make juvenile and
22 youthful offender records confidential or subject to
23 expungement, shall preclude the disclosure of any information
24 requested by a responsible agency, a law enforcement officer,
25 a criminal justice agency, the Attorney General's Office, or a
26 district attorney for purposes of administering, implementing,
27 or enforcing this article. Notwithstanding any law to the

1 contrary, no conviction under this article shall be subject to
2 expungement.

3 "§15-20-36.

4 "No ~~criminal~~ sex offender shall be allowed to change
5 his or her name unless the change is incident to a change in
6 the marital status of the ~~criminal~~ sex offender or is
7 necessary to effect the exercise of religion of the ~~criminal~~
8 sex offender. Such a change ~~must~~ shall be reported, in person,
9 to the sheriff of the county in which local law enforcement
10 official where the ~~criminal~~ sex offender resides within ~~30~~
11 three business days of the effective date of the change. If
12 the ~~criminal~~ sex offender is subject to the notification
13 provision of this article, the reporting of a name change
14 under this section shall invoke notification. An adult
15 criminal sex offender who fails to comply with the required
16 registration provisions of this section shall be guilty of a
17 Class C felony.

18 "§15-22-28.

19 "(a) It shall be the duty of the Board of Pardons
20 and Paroles, upon its own initiative, to make an investigation
21 of any and all prisoners confined in the jails and prisons of
22 the state with a view of determining the feasibility of
23 releasing the prisoners on parole and effecting their
24 reclamation. Reinvestigations shall be made from time to time
25 as the board may determine or as the Board of Corrections may
26 request. The investigations shall include such reports and

1 other information as the board may require from the Board of
2 Corrections or any of its officers, agents, or employees.

3 "(b) It shall be the duty of the Board of
4 Corrections to cooperate with the Board of Pardons and Paroles
5 for the purpose of carrying out the provisions of this
6 article.

7 "(c) Temporary leave from prison, including
8 Christmas furloughs, may be granted only by the Commissioner
9 of Corrections to a prisoner for good and sufficient reason
10 and may be granted within or without the state; provided, that
11 Christmas furloughs shall not be granted to any prisoner
12 convicted of drug peddling, ~~child molesting or rape~~ a criminal
13 sex offense, or to any maximum security prisoner. A permanent,
14 written record of all such temporary leaves, together with the
15 reasons therefor, shall be kept by such commissioner. He or
16 she shall furnish the ~~Pardon and Parole Board~~ Board of Pardons
17 and Paroles with a record of each such leave granted and the
18 reasons therefor, and the same shall be placed by the board in
19 the prisoner's file.

20 "(d) No prisoner shall be released on parole except
21 by a majority vote of the board, nor unless the board is
22 satisfied that he or she will be suitably employed in
23 self-sustaining employment or that he or she will not become a
24 public charge if so released. The board shall not parole any
25 prisoner for employment by any official of the State of
26 Alabama, nor shall any parolee be employed by an official of
27 the State of Alabama and be allowed to remain on parole;

1 provided, however, that this provision shall not apply in the
2 case of a parolee whose employer, at the time of the parolee's
3 original employment, was not a state official.

4 "(e) The board shall not grant a parole to any
5 prisoner who has not served at least one third or 10 years of
6 his or her sentence, whichever is the lesser, except by a
7 unanimous affirmative vote of the board.

8 "§15-22-36.

9 "(a) In all cases, except treason and impeachment
10 and cases in which sentence of death is imposed and not
11 commuted, as is provided by law, the Board of Pardons and
12 Paroles shall have the authority and power, after conviction
13 and not otherwise, to grant pardons and paroles and to remit
14 fines and forfeitures.

15 "(b) Notwithstanding any other provision of law, the
16 Board of Pardons and Paroles may not approve or order any
17 parole or pardon of a person convicted of a criminal sex
18 offense as defined by subdivision (4) of Section 15-20-21.

19 "~~(b)~~ (c) Each member of the Board of Pardons and
20 Paroles favoring a pardon, parole, remission of a fine or
21 forfeiture, or restoration of civil and political rights shall
22 enter in the file his or her reasons in detail, which entry
23 and the order shall be public records, but all other portions
24 of the file shall be privileged.

25 "~~(c)~~ (d) No pardon shall relieve one from civil and
26 political disabilities unless specifically expressed in the
27 pardon. No pardon shall be granted unless the prisoner has

1 successfully completed at least three years of permanent
2 parole or until the expiration of his or her sentence if his
3 or her sentence was for less than three years. Notwithstanding
4 the foregoing, a pardon based on innocence may be granted upon
5 the unanimous affirmative vote of the board following receipt
6 and filing of clear proof of his or her innocence of the crime
7 for which he or she was convicted and the written approval of
8 the judge who tried his or her case or district attorney or
9 with the written approval of a circuit judge in the circuit
10 where he or she was convicted if the judge who tried his or
11 her case is dead or no longer serving.

12 "~~(d)~~ (e) The Board of Pardons and Paroles shall have
13 no power to grant a pardon, order a parole, remit a fine or
14 forfeiture, or restore civil and political rights until 30
15 days' notice that the prisoner is being considered therefor
16 has been given by the board to the Attorney General, the judge
17 and the district attorney who tried the subject's case, the
18 chief of police in the municipality in which the crime
19 occurred, if the crime was committed in an incorporated area
20 with a police department, and to the sheriff of the county
21 where convicted, and to the same officials of the county where
22 the crime occurred if different from the county of conviction;
23 provided, however, that if they are dead or not serving, the
24 notice shall be given to the district attorney, incumbent
25 sheriff, and one of the judges of the circuit in which the
26 subject was convicted.

1 "~~(e)~~ (f) (1) Until and unless at least 30 days'
2 written notice of the board's action to be considered has been
3 given by the board to the victim named in the indictment, or
4 if the victim is deceased as a result of the offense, the
5 victim's immediate family, the Board of Pardons and Paroles
6 shall have no power or authority to in any way approve or
7 order any parole, pardon, remission of fine or forfeiture,
8 restoration of civil and political rights, furlough, leave or
9 early release of a person convicted of the following offenses:

10 "a. A Class A felony.

11 "b. Any felony committed prior to the first day of
12 January, 1980, which if committed after the first day of
13 January, 1980, would be designated a Class A felony.

14 "c. Any felony involving violence, death, or any
15 physical injury to the person of another.

16 "d. Any felony involving unlawful sexual assault or
17 other unlawful sexual conduct on the person of another.

18 "e. Any felony involving sexual assault, or a lewd
19 or lascivious act upon a child under the age of 16 years or
20 attempt thereof.

21 "f. Sexual abuse or any other criminal conduct
22 committed prior to the first day of January, 1980, which if
23 committed after the first day of January, 1980, would be
24 defined as sexual abuse under the Alabama Criminal Code.

25 "g. Child abuse or any criminal conduct committed
26 prior to the first day of January, 1980, which if committed

1 after the first day of January, 1980, would be defined as
2 child abuse under the Alabama Criminal Code.

3 "h. Sodomy or any criminal conduct committed prior
4 to the first day of January, 1980, which if committed after
5 the first day of January, 1980, would be defined as sodomy
6 under the Alabama Criminal Code.

7 "i. Any violation of Section 13A-6-69, as amended.

8 "(2) The notice shall be given by U.S. mail,
9 certified mail, return receipt requested, and shall include:

10 "a. The name of the prisoner or defendant involved.

11 "b. The crime for which the prisoner or defendant
12 was convicted.

13 "c. The date of the sentence.

14 "d. The court in which the conviction occurred.

15 "e. The sentence imposed.

16 "f. The actual time the prisoner has been held in
17 confinement, as computed by the Department of Corrections,
18 without regard to the operation of any incentive good time, or
19 other good time laws.

20 "g. The action to be considered by the board.

21 "h. The date, time, and location of the board
22 meeting at which the action is to be considered.

23 "i. A statement that all persons required to be
24 notified under the provisions of this section will be allowed,
25 at their option, to either appear before the board or give
26 their views in writing.

1 "Notice for robbery victims who were robbed while on
2 duty as an employee of a business establishment shall be
3 sufficient if mailed to the last address provided by the
4 victim or as otherwise noted on the indictment or in the board
5 files.

6 "(3) Provided however, if the victim is a child the
7 notice shall be given to the parents of the victim, or in the
8 event there is no parent, to the guardian of the victim. If
9 the victim was a minor at the time of the offense, but has
10 attained majority by the time the notice is sent, the notice
11 shall be directed to the victim. Provided further, if the
12 victim is deceased as a result of the offense, the notice
13 shall be given to the surviving members of the victim's
14 immediate family, as defined by the operating procedures of
15 the Board of Pardons and Paroles, or in the event there is no
16 immediate family, to a relative of the victim, if any.
17 Provided further, such notice may be waived in writing by any
18 person who is entitled to receive such notice.

19 "(4) If the victim requests not to be notified, a
20 certified notice shall be sent to the victim confirming that
21 request and advising him or her that no further notices of
22 board hearings shall be sent unless he or she subsequently
23 contacts the board and submits a written request to be
24 notified of hearings in the future. Mailing of the certified
25 notice shall constitute confirmation unless the certification
26 is returned due to an incorrect address.

1 "(5) The board shall exercise due diligence to
2 locate victims to notify them of hearings. If all attempts to
3 locate a victim have failed and the agent of the board has
4 certified that due diligence has been exercised, no future
5 attempts shall be required to locate that victim. At any time
6 the victim may contact the board and request that the board
7 notify the victim of all future hearings.

8 "~~(f)~~ (g) After any board action is taken granting any
9 pardon or parole, the board shall promptly notify all persons
10 who are entitled to notice, pursuant to any provision of this
11 section as to the action taken by the board and the
12 conditions, if any, of any such parole or pardon."

13 Section 2. Sections 15-20-21.1, 15-20-24.1,
14 15-20-24.2, 15-20-25.4, 15-20-26.3, and 15-20-39 are added to
15 the Code of Alabama 1975, to read as follows:

16 §15-20-21.1.

17 Any sex offender who is not considered an adult
18 criminal sex offender prior to the effective date of this act,
19 but who is subject to the provisions of this act after its
20 passage, shall report to the local law enforcement official
21 where he or she resides within 90 days of the effective date
22 of this act. Within 30 days of the effective date of this act,
23 the Department of Public Safety shall notify any adult
24 criminal sex offender who is subject to the provisions of this
25 act that he or she is subject to such provisions. Within 60
26 days of receipt of this notification from the Department of
27 Public Safety, the adult criminal sex offender shall provide

1 in person the registration information required in subsection
2 (a) of Section 15-20-22. Within 90 days of the effective date
3 of this act, every adult criminal sex offender shall comply
4 with the requirements of this act, whether or not notice was
5 received from the Department of Public Safety.

6 §15-20-24.1.

7 Venue is proper in the county where the failure to
8 comply with registration requirements took place, at the
9 location of the last registered address of the sex offender,
10 or in the county in which the conviction occurred for the
11 offenses that meet the criteria for designating a person an
12 adult criminal sex offender.

13 §15-20-24.2.

14 (a) A sex offender who will be absent from the sex
15 offender's principal residence for more than 72 hours shall
16 inform the local law enforcement official in the county where
17 the sex offender's principal address is located, in person,
18 prior to his or her departure, of the following:

19 (1) That the sex offender will be absent from the
20 sex offender's principal residence for more than 72 hours.

21 (2) The location where the sex offender will be
22 located during the absence from the sex offender's principal
23 residence.

24 (3) The length of time the sex offender will be
25 absent from the sex offender's principal residence.

26 (b) A sex offender who will spend more than 72 hours
27 in a county in which the sex offender is not otherwise

1 required to register shall inform the local law enforcement
2 official in the county in which the sex offender is not
3 otherwise required to register, in person, of the following:

4 (1) That the sex offender will spend more than 72
5 hours in the county.

6 (2) The location where the sex offender will be
7 located while spending time in the county.

8 (3) The length of time the sex offender will remain
9 in the county.

10 (c) Upon request of the local law enforcement
11 official of the county in which the sex offender is not
12 otherwise required to register, the sex offender shall provide
13 the local law enforcement official with any additional
14 information that will assist the local law enforcement
15 official in determining the sex offender's whereabouts during
16 the sex offender's stay in the county.

17 (d) An adult criminal sex offender who fails to
18 comply with the required registration provisions of this
19 section shall be guilty of a Class C felony.

20 §15-20-25.4.

21 (a) Upon the initial verification that occurs after
22 the adult criminal sex offender's most current release
23 pursuant to Section 15-20-22 and upon every subsequent
24 verification pursuant to Section 15-20-24, the adult criminal
25 sex offender shall provide every required online identifier
26 and the name of any website or Internet communication service
27 where the identifier is being used.

1 (b) An adult criminal sex offender shall notify the
2 local law enforcement official where he or she resides, either
3 in person, electronically, or through other means approved by
4 the Department of Public Safety within 48 hours, excluding
5 weekends and legal holidays, after he or she makes any change
6 to any required online identifier, or creates a new required
7 online identifier, and before any use of a changed or new
8 identifier to communicate on the Internet. Within three
9 business days after receipt of the information, the local law
10 enforcement official shall forward the information to the
11 Department of Public Safety and to the local law enforcement
12 official of any other state or tribal jurisdiction where the
13 sex offender is required to register. Immediately upon receipt
14 of the information from the local law enforcement official,
15 the Department of Public Safety shall update the adult
16 criminal sex offender's information in the Department of
17 Public Safety database.

18 (c) The Department of Public Safety may disseminate
19 an adult criminal sex offender's required online identifier
20 and the name of any corresponding website or Internet
21 communication service to a business or organization that
22 offers electronic communication services for comparison with
23 information that is held by the requesting business or
24 organization. The requesting business or organization shall
25 notify the Department of Public Safety when a comparison of
26 the information indicates that an adult criminal sex
27 offender's required online identifier is being used on the

1 business's or organization's system. The requesting business
2 or organization shall not further disseminate the information
3 that the person is an adult criminal sex offender.

4 (d) If an adult criminal sex offender intends to
5 change his or her vehicle information; temporary lodging
6 information; or phone number, both for fixed location and
7 cellular phones; the adult criminal sex offender shall submit
8 in the form of a written declaration, either by registered or
9 certified mail, electronic mail, or hand delivery, notice of
10 the adult criminal sex offender's change in registration
11 information to the local law enforcement official where the
12 adult criminal sex offender resides within three business days
13 of the effective change of registration information. If the
14 adult criminal sex offender submits his or her written
15 declaration by registered or certified mail, the postmark
16 shall be no later than three days after the effective change
17 of registration information. Within three business days of the
18 adult criminal sex offender's registration update, the local
19 law enforcement official shall forward the adult criminal sex
20 offender's registration information to the Department of
21 Public Safety and the Alabama Criminal Justice Information
22 Center and to the local law enforcement official in Alabama or
23 any other state or tribal jurisdiction where the sex offender
24 is required to register.

25 (e) Upon the initial verification that occurs after
26 the adult criminal sex offender's most current release, the
27 adult criminal sex offender shall pay the local law

1 enforcement official a fee of two hundred fifty dollars
2 (\$250). An adult criminal sex offender shall also pay a
3 thirty-five dollar (\$35) fee to the local law enforcement
4 official each time the adult criminal sex offender transfers
5 his or her residence pursuant to Section 15-20-23, or each
6 time the adult criminal sex offender registers pursuant to
7 Section 15-20-25.1. These fees shall be used to defray the
8 costs of complying with this article. If an individual
9 required to pay any of these fees pursuant to this subsection
10 is indigent, the fee shall be reduced or waived, depending on
11 the ability of the individual to pay. The burden of proof is
12 on the individual claiming indigence to prove the fact of
13 indigence to the satisfaction of the local law enforcement
14 official making the indigency determination. The local law
15 enforcement official should consider the extent and liquidity
16 of assets and the disposable net income of the adult criminal
17 sex offender.

18 §15-20-26.3.

19 In determining the terms and conditions of probation
20 for an adult sex offender probationer who has been convicted
21 of any of the following offenses, the court may provide that
22 the probationer shall be subject to remote viewing of the
23 following, including, but not limited to, e-mails, web
24 history/content, and Internet connected computer content of
25 the adult criminal sex offender by probation officer:

1 (1) Soliciting a child by computer for the purposes
2 of committing a sexual act, as proscribed by Section 13A-6-110.

3 (2) Transmitting obscene material to a child by
4 computer, as proscribed by Section 13A-6-111.

5 §15-20-39.

6 (a) If the sex offender fails to register in person,
7 verify registration information in person, or otherwise appear
8 in person when required by this article, the law enforcement
9 agency of the county, or municipality where applicable, where
10 the in-person appearance was required, shall make every
11 reasonable effort to locate the sex offender who has failed to
12 appear. If the sex offender cannot be located within seven
13 business days of the time he or she was required to appear in
14 person by this article, a warrant shall be issued for the
15 absconding sex offender's arrest. In addition, the applicable
16 law enforcement agency shall notify the United States Marshals
17 Service and shall update the National Sex Offender Registry,
18 as well as the National Crime Information Center Wanted Person
19 File, to reflect the sex offender's status as an absconder.
20 Upon receiving notice of capture of any previously unlocatable
21 sex offender, the law enforcement agency of the county, or
22 municipality where applicable, where the in-person appearance
23 was required but not performed by the sex offender shall
24 notify the Department of Public Safety. The Department of
25 Public Safety shall notify the Alabama Criminal Justice
26 Information Center, the National Sex Offender Registry, and
27 the National Crime Information Center Wanted Person File of

1 the capture of a previously unlocatable sex offender, as well
2 as any law enforcement agency of any county, or municipality
3 where applicable, where the sex offender was registered or
4 required to register.

5 (b) If a local law enforcement or Department of
6 Public Safety official receives notice from any other state or
7 tribal jurisdiction that a sex offender will be working,
8 residing, or attending school in Alabama, and the sex offender
9 fails to appear for registration as required, the local law
10 enforcement or Department of Public Safety official shall
11 notify the local law enforcement official of any such other
12 state or tribal jurisdiction.

13 Section 3. (a) A person commits the crime of
14 indecent exposure toward a child if, with intent to arouse or
15 gratify sexual desire of himself or herself or of any other
16 person, he or she, being 19 years old or older, exposes his or
17 her genitals to a child less than 16 years of age under
18 circumstances in which the person knows his or her conduct is
19 likely to cause affront or alarm in any public place or on the
20 private premises of another or so near thereto as to be seen
21 from such private premises.

22 (b) Indecent exposure toward a child is a Class C
23 felony.

24 Section 4. (a) A person commits the crime of video
25 voyeurism when he or she has the intent to capture an image by
26 means of videotape, photograph, film, or recording by any
27 means, including, but not limited to, cellular phone or

1 personal data assistant, or electronically transmits a visual
2 image of a private area, including, but not limited to, the
3 naked or undergarment clad genitals, pubic area, buttocks, or
4 female breast of that individual, with the intent that it be
5 viewed by a person or persons, without the consent of the
6 victim, and knowingly does so under circumstances in which the
7 individual has a reasonable expectation of privacy.

8 (b) The crime of video voyeurism is a Class C
9 felony.

10 Section 5. (a) A person commits the crime of aiding
11 or abetting a convicted sex offender if the person has reason
12 to believe that a sex offender is not complying, or has not
13 complied, with the requirements of this act and, with the
14 intent to assist the sex offender in eluding a law enforcement
15 agency that is seeking to find the sex offender to question
16 the sex offender about, or to arrest the sex offender for, his
17 or her noncompliance with the requirements of this act the
18 person does any of the following:

19 (1) Withholds information from, or does not notify,
20 the law enforcement agency about the sex offender's
21 noncompliance with the requirements of this act, and, if
22 known, the whereabouts of the sex offender.

23 (2) Harbors, or attempts to harbor, or assists
24 another person in harboring or attempting to harbor, the sex
25 offender.

1 (3) Conceals or attempts to conceal, or assists
2 another person in concealing or attempting to conceal, the sex
3 offender.

4 (4) Provides information to the law enforcement
5 agency regarding the sex offender that the person knows to be
6 false information.

7 (b) The crime of aiding and abetting a convicted sex
8 offender is a Class C felony.

9 Section 6. If a court of competent jurisdiction
10 adjudges invalid or unconstitutional any clause, sentence,
11 paragraph, section, or part of this act, such judgment or
12 decree shall not affect, impair, invalidate, or nullify the
13 remainder of this act, but the effect of the decision shall be
14 confined to the clause, sentence, paragraph, section, or part
15 of this act adjudged to be invalid or unconstitutional.

16 Section 7. Although this bill would have as its
17 purpose or effect the requirement of a new or increased
18 expenditure of local funds, the bill is excluded from further
19 requirements and application under Amendment 621, now
20 appearing as Section 111.05 of the Official Recompilation of
21 the Constitution of Alabama of 1901, as amended, because the
22 bill defines a new crime or amends the definition of an
23 existing crime.

24 Section 8. This act shall become effective October
25 1, 2009, following its passage and approval by the Governor,
26 or its otherwise becoming law.